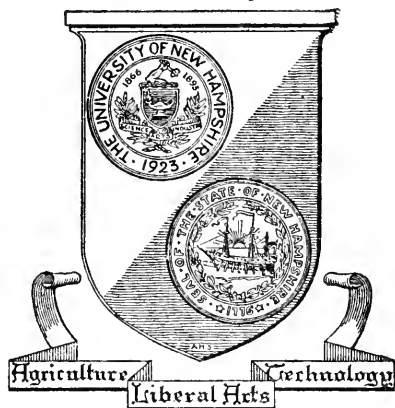


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JOURNAL  
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HOUSE OF REPRESENTATIVES  
JANUARY SESSION OF 1949

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JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
JANUARY SESSION OF 1949

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WEDNESDAY, JANUARY 5, 1949

On the first Wednesday in January, the year of our Lord one thousand nine hundred and forty-nine, being the day designated by the Constitution for the assembling of that body, the one hundred and thirty-first General Court of the State of New Hampshire convened at the Capitol in the City of Concord, and the representatives-elect were called to order by Cyril J. Fretwell, Clerk of the House for the preceding session.

The acting clerk proceeded to call the roll, and members answering to their names, a quorum was declared present.

On motion of Mr. Peever of Salem,

*Resolved*, That a committee of three be appointed by the Clerk to wait upon His Excellency the Governor, and inform him that a quorum of the House is assembled and requests his attendance.

The Clerk appointed Messrs. Turner of Keene, Laraba of Portsmouth and Mrs. Brungot of Berlin.

His Excellency, the Governor, having been informed that a quorum of the House was assembled, appeared, and the following named ladies and gentlemen, having presented their credentials, were duly qualified by His Excellency as members of the House of Representatives by taking and subscribing to the oaths of office agreeably to the provisions of the Constitution.

ROCKINGHAM COUNTY

Auburn . . . . .	Margaret A. Griffin
Brentwood . . . . .	Margery W. Graves
Candia . . . . .	Karl J. Persson

Chester . . . . .	Robert C. Hazelton
Deerfield . . . . .	Leon M. Fitch
Derry . . . . .	Harry E. Clark
	Harold W. Corson
	George J. Heon
	Oliver H. Hepworth
Epping . . . . .	Thomas W. Fecteau
Exeter . . . . .	Emory P. Eldredge
	Clinton W. Elwell
	James C. Rathbone
	Maude B. Richards
Fremont . . . . .	Moses H. Sanborn
Greenland . . . . .	Thornton N. Weeks, Sr.
Hampstead . . . . .	Thomas Henry Root
Hampton . . . . .	Dean B. Merrill
	Ernest R. Underwood
Kingston . . . . .	J. Edward Stevens
Londonderry . . . . .	Draper W. Parmenter
Newmarket . . . . .	Arthur A. Labranche
	F. Albert Sewall
Newton . . . . .	William K. Davis
North Hampton . . . . .	George G. Carter
Northwood . . . . .	Robert A. Johnson
Plaistow . . . . .	Arthur T. Colcord
Portsmouth—	
Ward 1 . . . . .	Sam Alessi
	Mary C. Dondero
	Lise LaBelle Payette
Ward 2 . . . . .	Charles T. Durell
	Harry H. Foote
	John H. Yeaton
Ward 3 . . . . .	Carlos O. Hobbs
	John J. Leary
Ward 4 . . . . .	Rae S. Laraba
Ward 5 . . . . .	Edward J. Ingraham
Raymond . . . . .	Thomas F. Bluitte
Rye . . . . .	Shirley S. Philbrick
Salem . . . . .	Walter F. Haigh
	Leonard B. Peever
Sandown . . . . .	Ralph S. True
Seabrook . . . . .	William H. Durkee

**BELKNAP COUNTY**

Alton . . . . .	Frederick M. Perkins
Barnstead . . . . .	Arthur H. McAllister
Belmont . . . . .	Clarence B. Dearborn
Center Harbor . . . . .	Edward J. Obert, Sr.
Gilford . . . . .	Lena D. Weeks
Gilmanton . . . . .	Charles G. Kelley
Laconia—	
Ward 1 . . . . .	Myron B. Hart
Ward 2 . . . . .	Fortunat A. Normandin
	Alfred W. Simoneau
Ward 3 . . . . .	Elmer S. Tilton
Ward 4 . . . . .	Otto G. Keller
	Frank B. Shannon
Ward 5 . . . . .	Ross L. Piper
	Theodore M. Thompson
Ward 6 . . . . .	John F. Brown
	John M. Ewing
Meredith . . . . .	Horace U. Ransom
	Joseph F. Smith
New Hampton . . . . .	Raymond C. Smith
Sanbornton . . . . .	Marion H. Atwood
Tilton . . . . .	Michael F. Bruno

**CARROLL COUNTY**

Bartlett . . . . .	Fred H. Washburn
Conway . . . . .	Elmer H. Downs
	Leslie C. Hill
	Irene M. Lucy
Effingham . . . . .	John G. Thompson
Freedom . . . . .	Ralph S. MacGown
Jackson . . . . .	Winifred G. Wild
Moultonborough . . . . .	Edith D. Banfield
Ossipee . . . . .	Charles G. Wigginn
Sandwich . . . . .	Perley C. Knox
Tamworth . . . . .	Earle H. Remick
Tuftonboro . . . . .	Forrest W. Hodgdon
Wakefield . . . . .	Ansel N. Sanborn
Wolfeboro . . . . .	Harold H. Hart
	George F. Thibodeau

South Hampton . . . . .	Willis J. Evans
Stratham . . . . .	W. Douglas Scamman .
Windham . . . . .	Thomas Waterhouse

**STRAFFORD COUNTY**

Barrington . . . . .	Roy V. Swain
Dover—	
Ward 1 . . . . .	Maurice P. Redden W. Raymond Stackpole
Ward 2 . . . . .	William Gouin Frank J. Grimes Joseph Marcotte, Jr.
Ward 3 . . . . .	Levi F. Felker Frederick C. Smalley
Ward 4 . . . . .	Harley A. Crandall Francis R. Dodge Louis Stocklan
Ward 5 . . . . .	Emmet J. Flanagan
Durham . . . . .	Oren V. Henderson
Farmington . . . . .	Ned L. Parker Frank E. Webster
Madbury . . . . .	Leeman B. Wormhood, Sr.
Milton . . . . .	John E. Horne
Rochester—	
Ward 1 . . . . .	Ernest L. Rolfe
Ward 2 . . . . .	Margaret E. Dustin Maurice A. Jones
Ward 3 . . . . .	Rudolph G. Cartier
Ward 4 . . . . .	Angeline M. G. St. Pierre Alphonse Lacasse
Ward 5 . . . . .	Norma M. Studley
Ward 6 . . . . .	Llewellyn F. Fernald Charles F. Leach
Rollinsford . . . . .	Fred L. Green, Jr.
Somersworth—	
Ward 1 . . . . .	Placide J. Lagueux
Ward 2 . . . . .	Edward G. Letourneau
Ward 3 . . . . .	Fred J. Coffin
Ward 4 . . . . .	Leo H. Cater
Ward 5 . . . . .	James F. Malley
Strafford . . . . .	Albert H. Brown



**MERRIMACK COUNTY**

Allenstown . . . . .	Alfred Couture
Andover . . . . .	Victor E. Phelps
Boscawen . . . . .	Albert S. Hardy
Bow . . . . .	Andrew M. Nicoll
Bradford . . . . .	Reuben S. Moore
Canterbury . . . . .	Charles S. Rancour
Chichester . . . . .	Shirley A. Marden
Concord—	
Ward 1 . . . . .	Charles P. Coakley James P. Ferrin
Ward 2 . . . . .	Harlan F. Besse, Sr.
Ward 3 . . . . .	William J. Flynn
Ward 4 . . . . .	Clayton F. Colbath Harry H. Kennedy Nicholas A. Suosso George L. Hurd
Ward 5 . . . . .	George H. Nash George H. Corbett
Ward 6 . . . . .	Donald W. Saltmarsh John C. Tilton Richard C. Venne*
Ward 7 . . . . .	John E. Buntin Marjorie M. Greene Charles G. Roby Richard F. Upton
Ward 8 . . . . .	John G. Blodgett
Ward 9 . . . . .	Emmett A. Nawn C. Murray Sawyer
Danbury . . . . .	Roy K. Sargent
Epsom . . . . .	Ralph E. Towle
Franklin—	
Ward 1 . . . . .	George W. Chase
Ward 2 . . . . .	James M. Burke Alcide LaBranche
Ward 3 . . . . .	Louis H. Douphinett Andrew Lorden
Henniker . . . . .	Lester E. Connor
Hooksett . . . . .	Edward M. Dudevoir Charles E. Mullaire*
Hopkinton . . . . .	Stewart E. Astles

Loudon . . . . .	Forrest B. Kenney
New London . . . . .	Stanley A. Spiller
Northfield . . . . .	Albert A. Carr
Pembroke . . . . .	Edgar G. Bellerose
	George R. Lea
Pittsfield . . . . .	Eralsey C. Ferguson
	Edmond J. Stapleton
Salisbury . . . . .	Fred W. Holmes
Sutton . . . . .	Benjamin H. Yerxa
Warner . . . . .	Fred A. Savory
Webster . . . . .	Arthur C. Stebbins

### HILLSBOROUGH

Amherst . . . . .	Charles A. Tracy*
Antrim . . . . .	Herbert E. Wilson
Bedford . . . . .	Gillis French*
Bennington . . . . .	Edward C. Black
Brookline . . . . .	Grover C. Farwell
Deering . . . . .	Arthur O. Ellsworth
Francestown . . . . .	Clarence C. Jones
Goffstown . . . . .	A. Kenneth Hambleton
	Austin H. Reed
	Nathan A. Tirrell
Greenfield . . . . .	Hobart M. Adams
Greenville . . . . .	William H. Doonan
Hancock . . . . .	Robert English
Hillsborough . . . . .	George W. Boynton
	Merrick S. Crosby
Hollis . . . . .	Anne J. Goodwin
Hudson . . . . .	Fred T. Goodwin, Jr.
	Ned Spaulding
Litchfield . . . . .	John A. Reid*
Manchester—	
Ward 1 . . . . .	Marion B. Corliss
	Joel S. Daniels, Sr.
	William J. Kennedy, Jr.
Ward 2 . . . . .	Harry J. Danforth
	Joseph H. Geisel
	John Pillsbury
	Ray S. Sawyer

## Manchester—

Ward 3	. . . . .	Walter B. Connor Michael J. Dwyer Louis Israel Martel John J. Sweeney
Ward 4	. . . . .	William J. Fitzgerald Dominick J. Kean Thomas F. Nolan
Ward 5	. . . . .	Stanley J. Betley Jeremiah B. Healy Alexander Kazakis John E. Malatras John C. O'Brien John Francis Shea
Ward 6	. . . . .	Denis F. Casey Edward J. Cavanaugh Joseph F. Ecker Daniel J. Healey Henry P. Sullivan John Zyla
Ward 7	. . . . .	Francis W. Downey Francis J. Heroux Charles J. Leclerc Robert A. O'Connor Michael T. Sullivan
Ward 8	. . . . .	Eugene H. Delisle, Sr. John J. Kane Peter H. Roy Emile Simard
Ward 9	. . . . .	Fred Cary Henry J. Gagnon
Ward 10	. . . . .	George S. Auger Oscar E. Getz, Sr. Isabell C. McPhail
Ward 11	. . . . .	John H. McShea, Sr. John M. Roche Joseph J. Roukey
Ward 12	. . . . .	Ernest G. April George E. Laflamme Amelia Lareau Leon J. Vaillancourt

## Manchester—

Ward 13	. . . . .	Rolland L. Chapdelaine Paul H. Daniel Lorenzo P. Gauthier Arthur E. Thibodeau
Ward 14	. . . . .	Michael J. Cannon Michael S. Donnelly Michael P. Wedick
Merrimack	. . . . .	Bert L. Peaslee
Milford	. . . . .	Andrew C. Elliott William M. Falconer Fred T. Wadleigh
Mont Vernon	. . . . .	Frederic H. Fletcher
Nashua—		
Ward 1	. . . . .	Blaylock Atherton Mabel Thompson Cooper Alice L. Ramsdell
Ward 2	. . . . .	George F. Boire Fred Landry
Ward 3	. . . . .	Agenor Belcourt Octave J. Goulet
Ward 4	. . . . .	Cornelius M. Brosnahan George D. Spalding
Ward 5	. . . . .	Delphis E. Chasse Emile E. Marquis Albert Maynard
Ward 6	. . . . .	John B. Dionne Louis W. Paquette Frank B. Shea
Ward 7	. . . . .	Alfred Betters Adelard Dupont William J. Lavoie
Ward 8	. . . . .	Rodolphe Cormier Alfred P. Grandmaison Louis M. Janelle Leonard G. Velishka
Ward 9	. . . . .	Pierre F. Cote Raymond G. Girouard
New Boston	. . . . .	Albert E. Shedd

New Ipswich . . . . .	William T. Thompson
Pelham . . . . .	Ernest Q. Bigelow
Peterborough . . . . .	Charles M. Cummings
	George A. Myhaver
Weare . . . . .	Frank H. Peaslee
Wilton . . . . .	David J. Barry

**CHESHIRE COUNTY**

Alstead . . . . .	Morris S. Ring, Sr.
Chesterfield . . . . .	Wakefield Dort
Dublin . . . . .	Charles R. Thomas
Fitzwilliam . . . . .	Pauline H. Miller
Hinsdale . . . . .	Frank W. Walker
Jaffrey . . . . .	Carl C. Spofford
	James B. Perry
Keene—	
Ward 1 . . . . .	Ben O. Aldrich
	Ira O. Willard
	E. James Winslow
Ward 2 . . . . .	Fred P. Amadon, Jr.
	Helen I. Landers
Ward 3 . . . . .	Burleigh R. Darling
	James M. Erwin
Ward 4 . . . . .	Robert A. Smith
	Gardner C. Turner
Ward 5 . . . . .	Laurence M. Pickett
	William G. Zimmerman
Marlborough . . . . .	Benjamin G. Hall
Marlow . . . . .	Roxie A. Forbes
Nelson . . . . .	Francis W. Tolman
Richmond . . . . .	Walter H. Andrews
Rindge . . . . .	Harry E. Sherwin
Swanzy . . . . .	Ralph A. Blake
	Joseph Kershaw
Troy . . . . .	Franklin L. Lang
Walpole . . . . .	Harold T. Killeen
	E. Everett Rhodes, Jr.
Westmoreland . . . . .	Oscar W. Billings
Winchester . . . . .	Frederick H. Ingham
	Alexander P. Thompson

## SULLIVAN COUNTY

Charlestown . . . . .	Howard W. Hamlin*
Claremont—	
Ward 1 . . . . .	George W. Angus Sydney B. Converse George E. Zopf
Ward 2 . . . . .	William F. Bissonnett Perl Hutchins William R. White
Ward 3 . . . . .	William P. Baron Clifton Simms Albert Stetson
Cornish . . . . .	John M. Tewksbury
Croydon . . . . .	Leland L. Riley
Goshen . . . . .	Walter R. Nelson
Grantham . . . . .	Allen W. Walker
Langdon . . . . .	George A. Holmes
Lempster . . . . .	John A. Wirkkala
Newport . . . . .	Maurice H. Cummings Maurice J. Downing Frank M. Farmer Jesse R. Rowell
Plainfield . . . . .	Lena A. Read
Springfield . . . . .	Edith B. Gardner
Sunapee . . . . .	Tony O. Russell
Unity . . . . .	George S. Callum
Washington . . . . .	David E. Williams

## GRAFTON COUNTY

Alexandria . . . . .	Orlo Erland Wadhams
Ashland . . . . .	William A. Brown
Bath . . . . .	Edwin P. Chamberlin
Bethlehem . . . . .	Charles H. Whittier
Bristol . . . . .	Glenn L. Wheeler
Campton . . . . .	Philip S. Willey
Canaan . . . . .	George L. Eggleston
Enfield . . . . .	Dorothea Dunbar
Franconia . . . . .	J. Everett Grass
Grafton . . . . .	Elsie F. Williams

Hanover . . . . .	Edith P. Atkins
	Robert J. Fuller
	Charles A. Holden
Haverhill . . . . .	Theodore Chamberlin
	William J. Clough
	George P. Perry
Holderness . . . . .	H. Thomas Sommers
Landaff . . . . .	Roscoe J. Oakes
Lebanon . . . . .	Arthur F. Adams
	Jerold M. Ashley
	Forrest B. Cole
	Lane Dwinnell
	Fred A. Jones
	George H. Edson
Lincoln . . . . .	Francis E. Madden
Lisbon . . . . .	James E. Collins
	Arthur L. Hamilton
Littleton . . . . .	Van H. Gardner
	Fred Kelley
	Albert J. Orr
Lyman . . . . .	Arkade Dusik
Lyme . . . . .	Henry S. Pushee
Orford . . . . .	Maurice A. Roberts
Plymouth . . . . .	Kenneth G. Bell
	Ernest L. Silver*
Rumney . . . . .	Jesse A. Barney
Warren . . . . .	Fayne E. Anderson
Woodstock . . . . .	Harry D. Sawyer

### COOS COUNTY

#### Berlin—

Ward 1 . . . . .	Oliver A. Dussault
	Edward F. Hinchey
	Elisabeth H. Mason
	Henry M. Moffett
Ward 2 . . . . .	Romeo Desilets
	Harry L. Henderson
	Clara A. Lazure
Ward 3 . . . . .	Harry E. Bartlett
	Hilda C. F. Brungot
	Marie A. Christiansen

Berlin—

Ward 4	. . . . .	Arthur A. Bouchard
		Jennie Fontaine
		Rebecca Gagnon
		Bernard J. Roy
Colebrook	. . . . .	George B. Currier
		Fred H. Gould
Dalton	. . . . .	Oriel R. Falkenham
Dummer	. . . . .	Linwood O. Hamlin
Gorham	. . . . .	James A. Fraser
		Walter J. Malloy
Jefferson	. . . . .	Raymond G. Kimball
Lancaster	. . . . .	John B. Evans
		Lester E. Moses
Milan	. . . . .	Emil W. Johnson
Millsfield	. . . . .	Harold T. Baxter
Northumberland	. . . . .	Ismond D. Ellingwood
		Alton A. Potter
Pittsburg	. . . . .	Harvey H. Converse
Stark	. . . . .	Grace M. Phelan
Stewartstown	. . . . .	Claude J. Baker
Stratford	. . . . .	Burritt H. Hinman
Whitefield	. . . . .	Ada C. Taylor

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\* Those marked with an asterisk were not present but appeared and qualified later as will be found in the daily proceedings of the House.

The Clerk called the House to order and stated that the first business was election of a temporary presiding officer.

Mr. Laraba of Portsmouth placed in nomination Mr. Henderson of Durham.

On a *viva voce* vote Mr. Henderson of Durham was declared elected temporary presiding officer and was escorted to the Chair by Messrs. Atherton of Nashua and Sanborn of Wakefield.

On motion of Mr. Atherton of Nashua the House proceeded to the election of a Speaker by ballot. The presiding officer appointed Mr. Hart of Wolfeboro, Mrs. Griffin of Auburn, Mr. Pickett of Keene, and Mrs. Dondero of Portsmouth as a committee to receive, sort and count the ballots.

Mr. Johnson of Northwood placed in nomination Richard F. Upton of Concord.



Mr. Pickett of Keene placed in nomination Mr. Barry of Wilton.

Mr. Turner of Keene moved that a committee be appointed to receive and count the ballots.

Mr. Barry of Wilton then withdrew his name as candidate for Speaker and then moved that the Clerk be instructed to cast one ballot for Mr. Upton of Concord, and Mr. Upton was declared elected Speaker and was escorted to the Chair by Messrs. Sanborn of Wakefield, Johnson of Northwood, Barry of Wilton and Madames Brungot and Mason of Berlin.

### Speaker's Remarks

The high office to which you have elected me is one which carries heavy responsibilities in these troubled times. I accept the office of Speaker with a feeling of humility in view of the magnitude of the problems which face us but confident that by co-operative action for the welfare of the State, we will successfully resolve these issues.

The privilege which this House has just exercised—that is, the privilege of electing its own presiding officer, without interference, is one which we should justly esteem and guard. This legislative privilege is one which we did not always have. In the early days of the history of this state when New Hampshire was a province under British dominion, the Royal Governor assumed the power to veto or disapprove the selection of a Speaker by this House. In 1749 this House chose Richard Waldron as its Speaker. He was a bitter political enemy of the Royal Governor, Benning Wentworth. Governor Wentworth promptly vetoed his election and ordered the House to elect another Speaker. The House refused to obey the Governor. Neither side would yield but the House refused to transact any business unless the Governor withdrew his veto. Matters remained at a stalemate for three years until the term of office of the legislature expired. When the next House was elected, the Governor did not renew the struggle. And thus, after the American Revolution, this precedent was written into the Constitution in Article 22, which guarantees to the House the privilege of electing its own Speaker, free from outside interference.

I know that we all hope for a reasonably short session.

We must keep this aim ever present in our minds. The Chair will probably be constantly consulting with the committee chairmen to expedite the business of the House. The Chair hopes that members appointed to committees which traditionally have a large volume of business—such as Judiciary and Appropriations—will be willing, on such occasions as may be necessary, to hold sessions and hearings on Thursday afternoons. This is contrary to past practice, but I am asking the chairmen of such committees to try it this year. It will enable us to make the most of our three-day working week. The Chair is also going to remind the members respectfully that the deadline for new bills is January 25 at 5 P. M. Let's make every effort to get our bills on file on or before that date. We have a fine bill drafting service which has been operating since December 1 in the Attorney General's office. It is my hope that after January 25th you will not have to ask the Rules Committee to admit many new bills, unless they are of such nature that the public interest would suffer substantially if their introduction was delayed until the next session of the General Court.

We all know the need for economy in view of the present financial crisis. Every day that the session is prolonged will cost the state approximately \$4500.

We can also economize on the matter of printing, if it pleases the House to do so. For many sessions it has been the custom to order separate pamphlet printing of the various addresses, messages and interim reports in addition to printing them in the Journal. It would seem that one printing of any address, message or report in the Journal should suffice. The Journal is, after all, our permanent record.

At tomorrow's session, it is hoped that the report of the Interim Commission on Legislative Practice and Procedure will be before the House for action. This report is important and its adoption can do much to improve the working of the House.

The Chair takes pleasure in announcing that the Bureau of Government Research of the University of New Hampshire, through its director, Mr. George Deming and with the assistance of Professor Norman Alexander of the Department of Government, who was a member of the last Constitutional Convention, has volunteered to assist the House leadership in presenting a school in parliamentary procedure and committee

practice for the benefit of new members. These sessions will be conducted by our own members assisted by the University staff. The present plan is to offer four sessions on the afternoon of January 11 and 12 and again on January 18 and 19. These sessions will all be on Tuesdays and Wednesdays. They will be held right here in Representatives Hall after the noon hour. This school is admittedly an experiment, but if it is well received, it may be continued from year to year. The exact hour of these sessions will be announced on each day before adjournment. I think it is a fine gesture and service for the University to undertake this matter and trust that the new members will show their appreciation by a good attendance. The University authorities would like to know in advance how many members would be willing to sign up,—as indicating a willingness to attend all four sessions. All members interested are requested to leave their names with the Clerk after adjournment today.

In addition to the School, the Speaker will have an office as usual in Room 117 of the State House on the first floor and will be in his office every morning from 9:00 A. M. until the hour of convening. Members who have questions or problems about parliamentary law or the wording of a motion should feel free to consult me there, regardless of party and regardless of the nature of the problem. The Chair is most anxious to make every member feel that he is getting fair treatment and a fair opportunity to present his views to the House, however popular or unpopular his views or ideas may be.

In closing, let me say that the Chair is not infallible, even though the rules make him almost so. This is a new field for me, and I will need the toleration and co-operation of every member to do the job which you want me to do. I respectfully solicit that spirit of mutual toleration and co-operation so that we can give to the people of New Hampshire a creditable legislative session—one which will really contribute to the public welfare.

Mr. Pillsbury of Manchester placed in nomination for Clerk, Cyril J. Fretwell of Concord; for Assistant Clerk, Robert L. Stark of Goffstown; for Sergeant-at-Arms, Clarence A. DuBois of Concord; for Doorkeepers, Sherman Greer of Manchester; Lenne Twombly of Hill, Mabel Richardson of Randolph, Florence Danforth of Manchester.

On motion of Mr. Turner of Keene the Speaker was instructed to cast one ballot for the above candidates and they were declared elected.

Cyril J. Fretwell, Robert L. Stark, Clarence A. DuBois, Sherman Greer, Lenne Twombly, Mabel Richardson and Florence Danforth then appeared and were duly qualified by taking the oath as Clerk, Assistant Clerk, Sergeant-at-Arms and Doorkeepers respectively.

CYRIL J. FRETWELL,  
*Clerk for 1947-1948.*

On motion of Mr. Holden of Hanover,

*Resolved*, That a committee of five be appointed by the Chair to wait upon His Excellency, the Governor, and inform him that a quorum of each branch of the Legislature has assembled and is ready to receive any communication he may be pleased to make.

The Speaker named as such committee Messrs. Ashley of Lebanon, Spaulding of Hudson and Edson of Lebanon and Mesdames Brungot and Mason of Berlin.

On motion of Mr. Wadleigh of Milford,

*Resolved*, That the Honorable Senate be informed that the House of Representatives has organized by the choice of Richard F. Upton, Speaker; Cyril J. Fretwell, Clerk; Robert L. Stark, Assistant Clerk; Clarence A. DuBois, Sergeant-at-Arms; Sherman Greer of Manchester, Lenne Twombly of Hill, Mabel Richardson of Randolph and Florence Danforth of Manchester, Doorkeepers.

On motion of Mr. Underwood of Hampton,

*Resolved*, That the House of Representatives will be ready to meet the Honorable Senate at 11:30 o'clock today for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate has voted to adopt the following resolution:

*Resolved*, That the House of Representatives be informed that the Senate having assembled, has organized by the choice

of Perkins Bass as President, Benjamin F. Greer as Clerk, Frank M. Ayer as Assistant Clerk, John S. Ball as Sergeant-at-Arms, Rene H. Dufort as Messenger, and Frank D. Gay as Doorkeeper, and is now ready to proceed with the business of the session.

The message further announced that the Senate has voted to concur with the House of Representatives in the passage of the following concurrent resolution:

*Resolved*, That a committee of three be appointed by the Chair to wait upon His Excellency, the Governor, and inform him that a quorum of each branch of the Legislature has assembled and is ready to receive any communication he may be pleased to make.

The President appointed as such committee, on the part of the Senate, Senators Ainsworth, McMeekin and O'Malley.

### Joint Convention

The Honorable Senate then came in and the two branches, being in convention, received the following report:

### Committee Report

Mr. Ashley of Lebanon, for the committee, reported that the committee appointed to wait upon His Excellency Charles M. Dale, Governor, had attended to that duty and that His Excellency, the Governor, had a communication which he desired to make.

His Excellency, the Governor, accompanied by the Honorable Council, then appeared and delivered the following message:

## EXAUGURAL ADDRESS

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*Mr. Speaker, Mr. President, Members of the General Court:*

I have been advised that the two branches of the legislature have met pursuant to the provisions of the constitution, have jointly and separately completed organization, and are now prepared to go forward with the work of the General Court.

It is my privilege to extend to you a welcome on the part of the state, to congratulate you upon your selection as representatives of the people, and to wish you well in your undertakings.

The problems of government are not simple. They are technically complex and they have come to affect the daily lives of all our citizens as individuals in many ways. To deal with these problems will require broad understanding, considerable foresight and, at times, fortitude. You will find it necessary, on occasion, while supporting the principles in which you individually believe, to engage in constructive compromise to the end that the welfare of the people as a whole may be best served.

In performing your service here you will find that your greatest compensation will be in the form of satisfaction in the knowledge that the work has been well done. The more you contribute as individuals in the solution of the problems of the state, the greater will be your satisfaction.

I now want to refer to the series of events which have come to be known as the "Story Case." This is the first opportunity I have had to address comment to an official agency and there would appear to be no more appropriate body to whom to address such a report than to the General Court.

Essentially, this case arose from the fact that confidence appears to have been misplaced. There is the further technical circumstance that state law and custom permitted the lodging of responsibility for the dual objective of expenditure and budgetary control in a single state office. This appears to have been an unwise procedure, although it was the practice for many years, and you may wish to correct it by general law or by special phrasing in particular statutes.

When the case came to my attention, I took immediate action. I ordered that all work on contracts awarded other than by competitive bidding be stopped. I directed the comptroller to submit in writing, at the earliest possible date, a complete report of the projects involved. This was done and the report is in custody of the Attorney General.

I directed the Attorney General of the state to make an investigation of the circumstances and allegations pertaining thereto. In making the investigation, I further directed that he pursue the case wherever the trail led, to take every action

which would result in the complete protection of the interests of the state to the end that any guilty of wrong-doing should be punished and that recovery be made of any funds proven to have been illegally expended.

This action was in accordance with the provisions of the laws of New Hampshire which require that the Attorney General shall act as attorney for the state in all criminal and civil causes in the Supreme Court and, further, that the Governor and Council may, in any action or proceeding wherever pending, represent to the Attorney General that he should appear to protect the interests of the state or of the people.

With the approval of the executive council I assured the Attorney General that he would have the support of the executive department in every action he deemed necessary to take in carrying out the general directive.

Subsequently, with the approval of the executive council, every request made by the Attorney General for supplementary executive action has been approved.

As a result, in addition to the submission of the comptroller's report previously referred to, the following steps were taken:

1. A public hearing at which the comptroller appeared and, under oath, testified as to the matters at issue, his part therein, and various other related circumstances, including his answers to questions propounded by interested parties. This record is also in the custody of the Attorney General.

2. Employment of impartial, certified public accountants to make an audit of the comptroller's accounts and submit a report thereon. This report is in the hands of the Attorney General.

3. Employment of an outstanding firm of engineers and contractors to make an impartial determination of the fair cost of projects involved. This report also is in the hands of the Attorney General.

4. The employment of special counsel to assist the Attorney General in all phases of the case to include various court actions.

As the investigation proceeded there has been made public, either by the Attorney General, or the Governor and Council, or both, every bit of information on this matter which would not jeopardize the State's legal case either in the punishment

of any guilty of wrong-doing or in the recovery of any sums which may be found to be due the State. No information has been withheld except at the specific request of the Attorney General.

As a member of the bar, I, perhaps better than some, understand the intricacies of legal procedure which have resulted in what may appear to some to be slow progress in this case. I am personally disappointed that it could not have been concluded during my term of office. But I am satisfied that the directions originally given to the Attorney General, and supplemented later by the approval of every recommendation he has made, have been diligently carried out. I am of the opinion also that the Attorney General and his special counsel are to be commended for the thoroughness with which they have conducted their investigations. This very thoroughness has been the major cause for what may seem to you to have been slow progress.

The major questions at issue will be determined by the courts of the State.

I think you will understand when I tell you that no one has been touched more deeply by this affair, or has hoped more sincerely that justice will prevail in its solution than have I. No one has been more aware of the fact that this incident has obscured the many constructive achievements accomplished during my administration with your co-operation.

Hindsight is always more revealing than foresight. And I can assure you that had I received in warnings, or advice, beforehand any small part of the information which has come to me since this case developed, it would never have occurred.

When some of the projects concerned were under preliminary discussion, it was in an attitude of trust and in complete confidence that they were to be carried out in compliance with the law and in the interest of the state. No single person, in or out of the state government, ever called to my attention any departures from that course prior to the disclosure of the basic facts now known to you all.

In the public discussion of such matters it is to be expected that some inaccuracies would creep into reports of what happened and that some misunderstanding would result.

One such misunderstanding relates to the action of the Governor and Council in approving warrants under which



state accounts are paid. You should know that the warrants which come to the Governor and Council are in the form of simple numbered resolutions recommending payment of a total sum of money, which may represent thousands of individual items and millions of dollars. The individual items are not contained in the warrants, and the individual vouchers which supported them have never been forwarded to the Governor and Council and have not been seen or individually approved as such. The warrant itself is certified as correct by the state's principal auditing officials who employ a staff to pre-audit every voucher. As a matter of fact, expenditures covered in the warrant are, in most cases, actually paid before the warrant is submitted for approval. That was true in this case. The pre-audit is required to determine the legality of each expenditure and the availability of properly appropriated funds. Such a certificate from a trusted employee must be accepted. If this is not to be so, then the Governor and Council must in fact become auditors themselves and such duties will require a substantial portion of their time every working day in the year.

It was suggested during one phase of the inquiry that the books and records of the Cote companies should have been seized forthwith. Those conversant with our law and practice realize not only that that could not be done, but that the Attorney General adopted the only lawful method of securing the books and papers or of gaining access to them.

At another point it was suggested that an investigation should have been conducted by a "blue ribbon" grand jury. It is necessary to understand that neither grand jurors as individuals nor a grand jury as a group proceeds on its own initiative in such matters. It merely considers evidence that is placed before it, in this case by the Attorney General. Again, those conversant with our law and practice realize that before evidence could be placed before the grand jury, it had to be secured. When it was secured, the grand jury procedure was the exact procedure followed out by the Attorney General.

Piecemeal presentation of evidence would have served no useful purpose and it might have resulted in forcing the procedure into secret channels for evidence placed before the grand jury is not made public.

In order that you may be more completely informed on this matter than is possible in this statement, I requested the

Attorney General to prepare for me a detailed narrative of the progress of this case and its present status in order that I might present it to the General Court. The Attorney General has complied with this request and I present to you, as an appendix to my remarks, the Attorney General's statement.

It may well be that you, as members of the General Court, will want to make some special inquiry of your own into this matter. If you are not satisfied with the state's effort to deal with this problem fairly, thoroughly and completely, it is your duty to do so. If that is your desire, it would be my hope, however, that your inquiry would be conducted in an objective manner with due consideration for its effect on the civil and criminal actions which are now pending.

Tomorrow, in your presence, a new governor will be inaugurated. Since his election I have given to him every co-operation in his efforts to prepare himself for the tasks which he will assume. I have assisted him in the conduct of the budget hearings which form the basis for his decisions as to his budget program for the next two years. With the approval of the executive council, I have made it possible for him to initiate, before he takes office, several studies which he felt would be helpful to the Legislature and in the best interests of the state.

In my own service as governor I have seen the duties incumbent upon the chief executive increase in number and importance. No governor will object to a constant review of his stewardship by the people and every governor will welcome objective and constructive criticism. But I hope he will be spared from the personal abuse which so often accompanies public service under our form of government. I bespeak for him your consideration and your co-operation.

As I complete my term of office, I complete a cycle of more than 25 years of public service. I have been very grateful to the people who have permitted me to serve them three times as mayor of my home city, as city solicitor, as a member and President of the State Senate, as a member of the executive council, and finally, as Governor.

In all of this service I have given to the State of New Hampshire the best I have been able to render. My relations with the Legislature during the sessions I have served with you as a member and as chief executive have been most pleasant.

I wish to extend to you my sincere best wishes and the hope that by your service you will be able to contribute in substantial measure to the happiness and welfare of our people.

## State of New Hampshire

OFFICE OF ATTORNEY-GENERAL

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January 3, 1949.

Honorable Charles M. Dale  
Governor  
Concord, New Hampshire.

DEAR GOVERNOR DALE:

On the eve of your exaugural, may I submit for your information a brief up to date review of the Cote-Story case.

You will recall that on March 7, 1948 it was reported in the New Hampshire *Sunday News* that much of the 1947 Capital Budget Act appropriations for construction had not been expended in compliance with Section 8 requiring competitive bidding, but, instead, on a "cost plus contract basis." The next day you instructed the Comptroller to suspend all state work being done by the "Cote organizations" and requested him to furnish you with a report on the situation as soon as possible. A few days later you asked this office to conduct an impartial and thorough investigation of all the circumstances in the case. Immediately the services of the firm of Lybrand, Ross Bros. & Montgomery of Boston were retained for a complete examination of the Comptroller's books relating to the work done at the Liquor Warehouse, the Industrial School, the Plymouth Teachers' College, the Laconia State School, the State Hospital and the State Prison.

The task was not an easy one. Three corporations and eight trade names were involved, all organized or registered between August 30, 1946 and March 30, 1948 and now known as the "Cote organizations." That period coincided with the time during which most of the work was performed: from July 1, 1946 to March 31, 1948. The expenditures in question amounted to about \$700,000. The payments made were divided into more than one hundred different transactions with each one comprising several items.

Shortly after the Montgomery auditors had begun their work, it appeared advisable to institute legal proceedings without delay and so on April 6, 1948 this office filed a Bill in Equity in the Merrimack County Superior Court seeking a rescission of the contracts made and an opportunity to inspect Cote's books.

Three days later the Comptroller submitted his report in writing and in person at a meeting of the Governor and Council. His resignation was asked, given and accepted the same day.

From April 8 to April 19, 1948 several hearings were held in the Superior Court and finally in the Supreme Court on the State's rights to inspect the Cote books. In spite of the dilatory tactics of the defendants, the issue was transferred to, heard and decided by the Supreme Court in favor of the State in the unprecedented time of eleven days.

At the same time the Equity action was brought on April 6 and while the auditors were pursuing their task daily with as much diligence as possible, it was thought desirable to obtain the expert engineering services of the Charles T. Main Co., Inc., of Boston, to inspect in the field and appraise the fair cost to the State of the work performed by the "Cote organizations." This field examination was started immediately.

During May, June and the first part of July the investigation was carried on along three main fronts: the continued examination of the State's books, the detailed inspection and cost appraisal of the projects and the court proceedings connected with the inspection of the Cote books and with the attempts seeking a dismissal of the State's court action.

The final reports of the Main Company engineers and of the Montgomery auditors were received on July 6 and July 16 respectively. Both were examined and analyzed carefully. On July 20 they were presented to the Governor and Council and their findings and conclusions were given in summarized form because it was thought unwise to prejudice the interests of the State by making public the details of either report.

As you will recall, I then pointed out how the Montgomery report indicated that the State's payment procedures and controls needed to be revised. The report further emphasized that the most important underlying data needed to substantiate the propriety of the costs billed to the State by the "Cote organi-

zations" were either missing or destroyed, this unavailable basic information consisting of the distribution of field payroll costs, of material requisitions showing dates, job allocations and pricing, and of the daily reports on heavy equipment use showing job allocations, rates, etc.

At the same time I disclosed that the Charles T. Main Co. report concluded with the finding that the amount of money paid to the "Cote organizations" exceeded by more than 100 per cent the fair costs of the work they performed and that in the judgment of the engineers the sum of about \$300,000 would have been sufficient to accomplish what was done. It is to be noted here that it was only in this month of July that for the first time we learned with any certainty that the irregularities involved in the whole situation went beyond the mere lack of competitive bidding, but also included unexplained substantial discrepancies between the expenditures made and the reasonable cost of the projects constructed.

In these circumstances it was determined to retain Special Counsel for the purpose of finding out the reasons for such large discrepancies and of preparing any further legal action deemed necessary upon the evidence developed in the course of the necessary further checking of all the items of payment with the aid of the Main Company and Montgomery reports.

For this essential work the services of Attorney Kenneth F. Graf were retained in the latter part of July, 1948. His activities have been many. He pursued the task at hand promptly, vigorously and impartially. The materials developed by this office through the engineers and auditors were turned over to him. He began to untangle the ramified and difficult aspects of the situation with aggressive diligence.

The scope and complexities of the problem confronting him and his associates, Attorneys Arthur Greene and Stanley Brown, were obvious. Fifteen months of continuous work at a total cost of \$700,000 had to be checked. Since the greater portion of the work had been done on a "cost-plus-basis," it was necessary to inquire and examine into each invoice which had been submitted as a true representation of actual cost. The invoices were divided into several items which were without adequate specification. The Cote books made available through court action gave no information as to actual costs. Hence, the tremendous amount of time required to get this basic information from other sundry sources.

The work of special counsel proceeded along two distinct lines: the first consisted of acquiring all relevant facts, and the second, in the assertion of the State's rights based on the evidence thus obtained. A detailed study of all manifests, checks and invoices together with the available data in the Comptroller's office and in other State House offices was made in conjunction with field inspection by the state experts. Several statements of state officials, employees and other persons were taken both informally and under oath throughout the State. Numerous conferences were held with engineers, architects and other specialists involved in the work done. A great amount of information was obtained from a multitude of suppliers and subcontractors who furnished labor and materials to the State either directly or through the "Cote organizations."

A replevin action was started in Hillsborough County Superior Court to repossess certain pipes and fittings. This step seemed necessary in view of the conduct of the "Cote organizations" in connection with the work done on the sprinkler system at the Laconia State School. Special counsel undertook to take depositions in this action, but stubborn opposition by the defendants made it necessary once more to go to the Supreme Court where, after hearing, the matter was determined in favor of the State. Another effort to take depositions, this time in the Equity action, was enjoined by the Court pending a Supreme Court decision on certain legal issues which have now been resolved against the "Cote organizations." Special counsel is presently seeking permission from the Court to take further depositions.

About two months ago the Hillsborough County Superior Court granted the petition of the Manchester National Bank seeking a temporary active receivership for the Cote corporations. Counsel for the State appeared and the interests of the State were protected in these proceedings. Among other things, it was urged that a permanent receiver be appointed to liquidate the assets of the Cote companies for the benefit of all creditors including the State of New Hampshire. The Court granted this prayer and appointed Attorney Robert C. Laing of Manchester permanent receiver.

Prior to these receivership proceedings, steps were taken to protect the interests of the State in any claims the Cote com-

panies might have against its various debtors. Attachments were made holding up any monies due them, principally from the Manchester National Bank and the J. J. Newbury Co. where a substantial amount of money was trustee'd.

In addition, the investigation having established the fact that in our judgment the State had a civil cause of action against the State Treasurer for failure to discharge his responsibilities in accordance with constitutional, statutory and common law requirements, action was taken for the recovery of any monies improperly paid.

Of course, it is hardly necessary to rehearse the fact that for three days last October voluminous evidence was presented to the Grand Jury on which indictments with numerous counts were returned against Cote for obtaining money under false pretenses, against Story as a principal and accessory to the offenses charged, and against both Cote and Story for conspiracy to defraud the State.

There are now pending in Court several civil actions and two criminal cases. I believe that all the cases are proceeding satisfactorily according to plans. Some have laid considerable stress upon the fact that the evidence in the cases is not being presented to the public as it is developed. We are under duty to present the evidence to the duly constituted legal authorities such as the Grand Jury and the Courts which have been established by law to hear and dispose of such matters. It would be unfair to the Courts, to the State and to the individuals involved, to disclose the information at hand. We realize that these cases are affected with a public interest, but under our State Constitution this public interest had to be placed in the hands of the judicial branch of the government. A calm, proper, orderly and judicial approach is the only guaranty of justice and public protection.

In concluding, may we express our gratitude to you for your steadfast resolution to get at the bottom of the business in which we are now engaged without concealment or white-washing in any form. Encouraged by this your unwavering purpose and by your daily co-operation from the very start in providing us with all desirable facilities, these matters could be pursued with dispatch and freedom. You may rest assured that counsel for the State, with the assured co-operation of your successor, Governor Adams, will continue to prepare for

trial the cases now pending and will institute any further legal action which appears in the best interest of the State of New Hampshire.

Respectfully submitted,

ERNEST R. D'AMOURS

*Attorney-General*

On motion of Senator Hartnett of District No. 21 the convention arose.

### House

On motion of Mr. Weeks of Greenland,

*Resolved*, That the Senate and House of Representatives in convention assembled this fifth day of January, 1949, have listened with gratification to the message of Governor Charles M. Dale and hereby express to him the high esteem in which we hold him and his conduct of his office.

On motion of Mr. Pillsbury of Manchester,

*Resolved*, That the Speaker of the House be authorized to appoint one custodian of mail and supplies, one warden of the coat room, one assistant warden of the coat room, one library messenger, one telephone messenger, five pages and one page to the Speaker.

Mr. Reed of Goffstown offered the following resolution:

*Resolved*, That a committee of ten members, one from each county, be appointed by the Chair to select some suitable person to act as Chaplain during the present session of the Legislature and report such selection to the House for consideration.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed as members of such committee:

Mr. Tirrell of Goffstown, Mrs. Richards of Exeter, Mr. Aldrich of Keene, Mrs. Greene of Concord, Mr. Downing of Newport, Mr. Oakes of Landaff, Mr. Malloy of Claremont, Mrs. Banfield of Moultonboro, Mrs. Studley of Rochester, Mr. Keller of Laconia.

On motion of Mr. Tilton of Laconia,

*Resolved*, That the Sergeant-at-Arms of the House be instructed to procure and furnish to each member of the House



and officers thereof, during the days when the House is actively in session, one daily newspaper published in the state, each member and officer to choose the paper he desires to have, and indicate the same to the Sergeant-at-Arms forthwith.

On motion of Mr. Bell of Plymouth,

*Resolved*, That a committee of three be appointed by the Speaker to assist the Clerk in procuring, as soon as possible, 2,500 copies of the Legislative manual, 1,000 paper bound, and 1,500 in substantially the same form and binding as that of 1947.

The Speaker appointed as members of such committee Mr. Durrell of Portsmouth, Mr. Sullivan of Manchester, Ward 6, and Mrs. Atkins of Hanover.

On motion of Mr. Hart of Wolfeboro,

*Resolved*, That the drawing of seats be made a special order for 11:01 A. M., Tuesday, January 11.

On motion of Mr. Hart of Wolfeboro,

*Resolved*, That the Speaker be authorized to appoint a committee of three to procure and assign suitable hearing rooms for various committees of the House.

The Speaker appointed on such committee Messrs. Laraba of Portsmouth, Reid of Litchfield and Mrs. Lazure of Berlin.

On motion of Mr. Henderson of Durham,

*Resolved*, That the Honorable Senate be informed that the House of Representatives will be ready to meet the Senate in Joint Convention for the purpose of canvassing the votes for Governor and Councilors agreeably to the Constitution and for the election of a Secretary of State, State Treasurer and Commissary General at two o'clock this afternoon.

On motion of Mr. Turner of Keene,

*Resolved*, That a committee of five members be appointed by the Chair to propose a set of rules for the House for the present session.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed on such committee Messrs. Turner of Keene, Rowell of Newport, Barry of Wilton and Edson of Lebanon.

Mr. Pickett of Keene offered the following resolution:

*Be It Hereby Resolved*, That the following rule become a part of the rules of the House and take precedent over any conflicting rules:

Upon the presentation to the Speaker of the House of an application signed by at least fifty members of the House, any bill, measure, resolution or business indicated by such application become immediately before the House for its consideration.

The resolution was laid upon the table and referred to the above committee.

Mr. Pickett of Keene offered the following resolution:

### **Resolutions**

on the death of

AMOS BLANDIN

*Whereas*, we have learned with sorrow of the death of Amos Blandin of Bath, former member of the House of Representatives for several sessions and former Speaker of the House, and

*Whereas*, his longtime membership in the House and his civic positions have been distinguished not only by his outstanding accomplishments but his never failing courtesy, kindness and fairness in all his dealings, thus earning him the deep respect and confidence of the public and his associates, therefore be it

*Resolved*, That we express our respect and admiration for his outstanding career, and be it further

*Resolved*, That we extend to the surviving members of his family our sincere and heartfelt sympathy, and be it further

*Resolved*, That the Clerk transmit to them a copy of these resolutions.

On a rising vote the resolution was unanimously adopted.

Mr. Bell of Plymouth offered the following resolution:

### **Resolutions**

on the death of

DR. ERNEST LEROY SILVER

*Whereas*, we have learned with sorrow of the death of Dr. Ernest Leroy Silver, President emeritus of Plymouth Teachers' College, former member and member elect of the House of Representatives from Plymouth, and

*Whereas*, his tenure of office in many civic and educational positions has been distinguished not only by his outstanding accomplishments, including fifty-two years of teaching experience in New Hampshire, but his unfailing courtesy, kindness and fairness, thus earning him the profound respect and confidence of the public and his associates, therefore be it

*Resolved*, That we express our admiration and respect for his outstanding career, and be it further

*Resolved*, That we extend to his widow our sincere and heartfelt sympathy, and be it further

*Resolved*, That the Clerk transmit to Mrs. Silver a copy of these resolutions.

On a rising vote the resolution was unanimously adopted.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had passed the following resolution:

*Resolved*, That the House of Representatives be informed that the Senate will be ready to meet the House in Joint Convention for the purpose of canvassing the votes for Governor and Councilors agreeably to the provisions in the Constitution at 2:00 o'clock this afternoon, and for the election of a Secretary of State, State Treasurer and Commissary General.

The House took a recess until 2:00 o'clock.

### **After Recess**

#### **Joint Convention**

On motion of Mr. Dort of Chesterfield:

*Resolved*, That the Honorable Secretary of State be requested to lay before the convention the returns of the votes for Governor and Councilors cast in the last election.

The Honorable Secretary of State then appeared and laid before the convention the returns of the votes for Governor, and Councilors cast in the last election.

On motion of Senator Pierce of District No. 10:

*Resolved*, That the vote for Governor and Councilors be referred to a committee consisting of one on the part of the Senate and two on the part of the House to compare and count the same and report thereon.

The Chairman named as such committee Senator Nickerson of District No. 4, Mr. Wadleigh of Milford and Mr. Madden of Lincoln.

### Report of Committee

Senator Nickerson of District No. 4, for the Joint Committee, to whom was referred the return of the votes cast for Governor and Councilors at the last biennial election, reported that it had examined, compared and counted the same, with the following result:

#### FOR GOVERNOR

	Adams, r	Hill, d	Otto, p
Rockingham . . . . .	18,630	10,818	132
Strafford . . . . .	9,875	11,044	93
Belknap . . . . .	6,653	3,970	26
Carroll . . . . .	6,033	1,605	30
Merrimack . . . . .	15,546	11,518	86
Hillsborough . . . . .	25,704	41,885	424
Cheshire . . . . .	8,856	5,925	73
Sullivan . . . . .	5,789	4,690	61
Grafton . . . . .	12,135	6,510	76
Coos . . . . .	6,991	7,243	151
Totals . . . . .	116,212	105,207	1,152

Sherman Adams having a plurality of all votes, was elected Governor.

#### FOR COUNCILORS

##### First District

Harry P. Smart, Ossipee, r . . . . .	23,382
William A. Styles, Northumberland, d . . . . .	15,057
Plurality for Smart . . . . .	8,325

##### Second District

J. Guy Smart, Durham, r . . . . .	26,265
John P. Carberry, Rye, d . . . . .	18,800
Plurality for Smart . . . . .	7,465

**Third District**

C. Edward Bourassa, Manchester, d ..	27,805	
Aime V. Plante, Manchester, r .....	16,358	
	<hr/>	
Plurality for Bourassa .....		11,447

**Fourth District**

Charles Morris Mills, Jaffrey, r .....	23,270	
Donat Roy, Nashua, d .....	21,137	
	<hr/>	
Plurality for Mills .....		2,133

**Fifth District**

Charles F. Stafford, Laconia, r and d .....	42,553
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The report was accepted.

On motion of Mr. Boynton of Hillsboro:

*Resolved*, That a committee of five be appointed by the Chair to wait upon the Honorable Sherman Adams, and inform his officially of his election as Governor of the State of New Hampshire, and that the Senate and House of Representatives are ready to receive any communication from His Excellency at such time as he may desire.

The Chair named as members of such committee:

Senator Pierce of District No. 10, and Senator Caron of District No. 17, Messrs Converse of Pittsburg, Peever of Salem and Mrs. Mason of Berlin.

On motion of Mr. Killeen of Walpole:

*Resolved*, That a committee of three be appointed by the Chair to wait upon Harry P. Smart, J. Guy Smart, C. Edward Bourassa, Charles Morris Mills and Charles F. Stafford, and inform them officially of their election to the Honorable Council.

The Chair named as members of such committee:

Senator Burbank of District No. 20, Mr. Thibodeau of Wolfeboro and Mrs. St. Pierre of Rochester.

On motion of Mr. Holden of Hanover:

*Resolved*, That the convention proceed with the election of a Secretary of State.

Mr. Converse of Pittsburg nominated the Hon. Enoch D. Fuller as Secretary of State.

The Hon. Senator from District No. 23 seconded the nomination of Mr. Fuller.

Mr. Pickett of Keene nominated Mr. Joseph Seymour of Carroll as Secretary of State.

Mr. Pickett of Keene withdrew the name of Mr. Seymour, and moved that the Speaker cast one ballot for Mr. Enoch D. Fuller.

The Speaker having cast one ballot in favor of Mr. Enoch D. Fuller, he was declared elected as Secretary of State.

On motion of Mr. Sherwin of Rindge:

*Resolved*, That the convention proceed with the election of a Commissary General.

Mr. Daniels of Manchester placed in nomination Gen. Charles F. Bowen as Commissary General.

Mr. Pickett of Keene placed in nomination Mr. Walter F. Healy of Manchester as Commissary General.

Mr. Pickett of Keene withdrew the name of Mr. Walter F. Healy, and moved that the Speaker cast one ballot for Gen. Charles F. Bowen.

The Speaker having cast one ballot in favor of Gen. Charles F. Bowen, he was declared elected as Commissary General.

Mr. Turner of Keene offered the following resolution:

*Resolved*, That the convention proceed with the election of a State Treasurer.

Mr. Johnson of Northwood moved that the resolution be laid upon the table.

On a *viva voce* vote the affirmative appeared to prevail.

The Honorable Senator from District No. 16, Robert P. Bingham, asked for a division.

A division being had, 259 members having voted in the affirmative, the resolution was laid upon the table.

Mr. Paquette of Nashua demanded a roll call, but subsequently withdrew his demand.

On motion of Senator Cummings of District No. 2 the convention rose.

### House

On motion of Mr. Henderson of Durham the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

On motion of Mr. Sanborn of Wakefield at 3:15 o'clock the House adjourned.

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THURSDAY, JANUARY 6, 1949

The House met according to adjournment.

### Leaves of Absence

Messrs. Reid of Litchfield, Washburn of Bartlett and Tracy of Troy, were granted leaves of absence for the day on account of important business.

### Resolutions

On motion of Mr. Johnson of Northwood:

*Resolved*, That the Honorable Senate be notified that the be to meet at 11:00 o'clock Tuesday, January 11.

On motion of Mr. Barry of Wilton:

*Resolved*, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in joint convention at 11:50 o'clock for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make, and for the transaction of such other business as may properly come before such convention.

Mr. Turner of Keene offered the following concurrent resolution:

**Concurrent Resolution to Provide for a Legislative  
Investigation of the Award and Administration  
of State Construction Contracts with the  
Standard Construction Company  
and Others.**

*Resolved* by the House of Representatives, the Senate concurring:

1. *Investigation*. There is hereby established a joint committee consisting of seven members of the House of Repre-

sentatives and three members of the Senate to investigate all phases of the award and administration of state construction contracts with the Standard Construction Company and/or Donat F. Cote and all affiliated and associated companies, contractors and subcontractors. The joint committee is authorized to investigate the conduct of all state officers and employees in connection with the award and administration of said contracts and the expenditure of funds therefor. The joint committee shall report its findings, conclusions and recommendations for remedial legislation or other suitable legislative action to both branches as soon as reasonably possible during the present session and may submit interim reports from time to time. The joint committee shall give priority, in its investigation, to reviewing the activities and conduct of the state treasurer and shall report thereon as soon as feasible in an interim report.

2. *Appointment.* The Speaker of the House of Representatives shall appoint four members of the majority party and three members of the minority party, and the President of the Senate shall appoint two members of the majority party and one member of the minority party to said committee. The first named House member shall be chairman and the minority party Senate member shall be clerk of the joint committee. A majority of the joint committee shall be a quorum.

3. *Powers.* The joint committee shall have the power to issue subpoenas to compel the attendance of persons and the production of documents, books and papers before it. All subpoenas shall be issued under the hands of the Speaker of the House and President of the Senate and shall be attested by the clerk of the joint committee. Hearings of the committee to receive evidence shall be public. The committee may employ counsel and other assistants subject to the joint approval of the Speaker and the President. Members of the committee shall be allowed their necessary expenses if required to travel outside Concord on committee business. The committee may hold sessions during adjournments of the General Court. The expenditures of the committee shall be a charge upon the legislative appropriation, subject to the joint supervision of the Speaker and the President.



4. *Procedure.* All testimony taken by the committee shall be under oath. All witnesses called by the committee shall have the right to counsel to advise them and shall be informed of the right to counsel before interrogation commences. No person shall examine or cross examine any witness other than members of the committee, its staff and counsel for the witness, except by leave of the committee. The committee shall hear all pertinent evidence that may be offered, including such voluntary witnesses as may appear. Subject to the supervision of the committee, any person against whom derogatory testimony or other evidence has been submitted may himself or by counsel cross-examine the witness submitting such evidence or may call other witnesses or produce documentary evidence before the committee to refute or explain such testimony or other evidence.

5. *Expiration.* The joint committee and its powers shall expire upon the submission of its final report and, in any event, upon the prorogation of the General Court, but may be extended by concurrent resolution.

The question being on the concurrent resolution.

Mr. Turner of Keene moved that the concurrent resolution be laid upon the table to be printed, and made a special order for 11:02 o'clock, Tuesday, January 11.

The question being on special order.

(Discussion ensued)

Mr. Spaulding of Hudson moved to make it a special order for Wednesday, January 12 at 11:01 o'clock.

The question being on the motion of Mr. Spaulding.

(Discussion ensued)

Mr. Spaulding of Hudson spoke for the motion.

On a *viva voce* vote the negative appeared to prevail.

Mr. Spaulding asked for another voice vote.

On a *viva voce* vote the motion prevailed.

The question being on the motion as amended.

On a *viva voce* vote the motion as amended was adopted.

Mr. Pickett of Keene offered the following concurrent resolution:

**Concurrent Resolution, Relating to an Investigation of the  
Laws Pertaining to the Appropriation and Expenditure  
of State Funds.**

*Resolved* by the House of Representatives, the Senate concurring, that there is hereby created a special committee to investigate and inquire into the administration of the laws of the state with particular reference to the laws pertaining to the appropriation and expenditure of state funds.

Said committee shall consist of twelve members, eight from the House and four from the Senate, not more than six of whom shall be of any one political party.

The committee shall be appointed by the Speaker but all Republican appointments must have the approval of the majority leader of the House and Senate, and all Democratic appointments must have the approval of the minority leader of the House and Senate.

The committee shall have full power to subpoena including the power to subpoena witnesses, papers, documents, and records of all kinds; to hold hearings public or private; to take testimony by deposition, written, interrogatory, or in any other manner appropriate to its purposes; and to perform any and all acts necessary or convenient for the execution of its general function as set forth in paragraph one of this resolution.

The committee is hereby authorized to employ attorneys, accountants, clerks, stenographers and seek other technical and expert personnel as it may require.

The committee shall make and adopt rules of procedure which will safeguard the civil, social and economic rights of persons called to testify before it and persons investigated by it. Nothing herein contained shall be deemed to confer upon any persons the right to refuse to testify on any grounds other than the usual constitutional grounds of self-incrimination and self-degradation.

The committee shall keep a verbatim record of its proceedings, which record need not be transcribed or published except as the committee may direct. An accurate stenographic record of any public hearing or of any executive hearing that is made public shall be made available, upon request, to any witness (or to his counsel) who testifies before such hearing.

The committee shall report its findings, and recommendations if any, to the House of Representatives not less than

three weeks prior to the date set for adjournment of the General Court or ninety days from the date of its appointment, whichever is sooner.

The committee shall be allowed such sums of moneys as is necessary to carry out the provisions of this resolution.

The committee is specially enjoined to conduct its investigation in the most economical manner consistent with ascertainment of all relevant facts, due consideration being given and proper use being made of any available data already compiled and assembled by other agents or officers of the state government.

Mr. Pickett of Keene moved that the concurrent resolution be laid upon the table, printing dispensed with, and made a special order for Wednesday, January 12 at 11:02 o'clock.

On a *viva voce* vote the motion prevailed.

(Mr. Turner of Keene in Chair)

Mr. Upton of Concord offered the following motion:

I move that the rules of the House and joint rules of the House and Senate, for the present session, be as printed in the appendix of the Journal for January 5, as recommended by the special Committee on Rules.

The question being on the motion.

(Discussion ensued)

Messrs. Upton of Concord and Edson of Lebanon spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

(The Speaker in the Chair)

### Senate Message

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to adopt the following resolution:

*Resolved*, That the Senate will be ready to meet the House of Representatives in joint convention as suggested by the House Message at 11:50 o'clock, for the purpose of receiving His Excellency, the Governor, and any communication that he may be pleased to make, and for the transaction of any other business that may properly come before such convention.

Recess

### After Recess

#### Joint Convention

The Honorable Senate then came in and the two branches being in convention, Senator Pierce of District No. 10, for the Joint Committee, offered the following report:

The Joint Committee appointed to wait upon Honorable Sherman Adams and inform him officially of his election as Governor of the State of New Hampshire reports that it has attended to its duty; that the Governor-elect has accepted said office and will meet the Senate and House of Representatives in convention at the earliest convenient time to take the oath of office and make such communication as he deems proper.

The report was accepted.

Mr. Thibodeau of Wolfeboro, for the Joint Committee, offered the following report:

The Joint Committee appointed to wait upon Harry P. Smart, J. Guy Smart, C. Edward Bourassa, Charles Morris Mills and Charles F. Stafford and inform them officially of their election to the Honorable Council, reports that it has attended to its duties, and that the gentlemen named have accepted the office.

The report was accepted.

Invocation was offered by the Most Rev. Jeremiah S. Buckley.

The Governor-elect, attended by the Council-elect, then came in, and the Honorable Sherman Adams, Governor-elect, then took and subscribed to the oath of allegiance before the President of the Senate, and in the presence of both branches

of the Legislature, whereupon the Honorable Perkins Bass, President of the Senate, made proclamation as follows:

Sherman Adams, having been duly elected Governor of New Hampshire, accepted the office and taken the oaths prescribed by the Constitution, I do hereby declare and proclaim His Excellency, Sherman Adams, Governor of the State of New Hampshire, to hold office during the period prescribed by the Constitution and Laws of the State, and I present Your Excellency with a copy of the Constitution of the State as a guide in the discharge of your official duties.

His Excellency, Governor Sherman Adams, then read the following message:

## INAUGURAL ADDRESS

JANUARY 6, 1949

*Mr. Speaker, Mr. President, Members of the General Court:*

AT BEST, representative government is an organization of people who join together for the purpose of accomplishing something for the common good. They should have well founded convictions about the needs of the people which lie within the power, the province, and responsibility of government to meet, and must have some notion about how to fulfill these needs and to what extent they ought to be satisfied.

Most of you are neither strangers to me nor to each other. That is all to the good. We have worked together, many of us in other years, and it is a satisfaction to me to have the privilege to do so again.

I have great respect for the leaders you have chosen. They are capable, experienced, and have heads on their shoulders which they know how to use. Such equipment you will find most serviceable in performing the duties which have been entrusted to you.

Legislative service is a real and important contribution to state government. Not all of you can make an equal contribution. However, each of you can apply yourselves to some particular problem and have something in your possession as a result that will give you a better conception of your government and will enable you more fully to lend an understanding to others of the problem.

In reading the inaugural addresses of many previous Governors, I find much mention of legislative despatch and a longed-for brevity of the session. You have already made a good start. Many bills have already been printed. You will forgive me if I call your attention to the fact that the shortest session of this body since the year 1931, was the session of 1943 when I had the honor of presiding over the House of Representatives. I hope you will be able to improve upon that record. To assist you I shall bring you a budget message on Tuesday, January 18, which will enable you to embark upon the troubled financial waters of this Government, fully warned

of the hazards which confront you. It might not be too early to wish you a safe voyage.

This has been traditionally the occasion for an analysis or commentary upon the State Government, and an appraisal of the demands upon it, both in finances and in services, and the extent to which the State is meeting those demands and its ability to continue to do so.

In commenting upon our Government, almost every one expresses concern about my problems. I think they are *our* problems, and they are very real ones. The moment of our decisions is undeniable, but we have had difficult problems before and they have been successfully resolved, and we shall successfully resolve those that now confront us.

We shall hardly face any graver crisis than confronted this body in 1777 when an invasion by a foreign army was imminent. That impending calamity was averted by action of the Colonial counterpart of this body in the commissioning of John Stark whose indomitable spirit at Bennington turned the tide of the invasion, if not of the fortunes of the whole Revolutionary enterprise. Our problems today shrink by comparison.

While the crisis of 1777 was met by courage, daring and great personal sacrifice, our problems today will be encountered as well with courage, and persistency, good judgment and cooperation.

In a sense, our problems today fall into three major elements. In enumerating them, let us put first things first.

They are:

- I. Quality of our government.
- II. Stability of our government.
- III. Kind and extent of the services of our government.

First, let us direct our attention to the quality of our Government itself. I commence first with an understatement when I say that the quality of our State Government can and ought to be improved. Perhaps this is as obvious as being opposed to sin. Such improvement falls into the following propositions:

- I. Adherence to a standard of irreproachable integrity in the conduct of every public servant in State Government. Without discrimination, such conduct is appropriate to the

office of Governor, the members of the Council, the members of this Court and to every person in the public service regardless of position. Deviation from such standards in the past is most distressing. A persistent and inquisitive vigilance in the administration of the departments of State Government is a responsibility charged to the Executive, and I commend it as well to the Legislative Department. In my judgment, State Government ought to emerge from the shadow of suspicion into which, what appears to be at the least, negligence and gross carelessness, in certain instances have obscured it. This matter is of paramount public importance. To accomplish this, I ask the Legislature to cause a full inquiry to be conducted into the administration of State Government. I suggest that such an inquiry be conducted by a bi-partisan committee selected by these bodies, and which shall include, among others, representatives of the public. This board of inquiry should be fortified with the power of subpoena and have placed at its disposal such legal and technical staff as it may require. For the purpose of shedding the bright light of public inquiry upon the operations of this Government, I shall lend to this Committee the full force and assistance of my office.

2. The quality of Government can be high only to the extent that those who operate it work together to accomplish a purpose that at all times is reasonably definite and clear. Disunity and incompatibility destroy efficiency. The people of New Hampshire have a right to expect that those who work for the State contribute their share of team work and a vigorous constructive attitude to the State service.

3. The State has too many unrelated agencies. There are at the present time eighty-five separate departments or agencies of State Government that expend public funds. Many of these have related functions. Some have major activities which are common to others. The Government of New Hampshire has, for the most part, enjoyed a pleasant, complacent childhood and now it is in the process of blossoming into a full-fledged maturity. It has grown up without our realizing the proportion of its newly acquired stature. If we did not have a notice from the bank that indicated that the day of insufficient funds was almost at hand, the event might even now pass unnoticed.

The time has arrived for re-examining the functions of each agency, its relation to all others, the quality of its services, and where it properly belongs in the structure of our Government. This takes time and study. I have taken steps to commence that study and shall, at the proper time, be prepared to make specific recommendations for the realignment or reorganization of certain of the State services.

4. The use of unpaid commissions is employed as a means of directing the affairs of many activities of our State Government. This is particularly true of institutional administration. Appointment to such a board ought never to be in the nature of a political reward, but the conferring of a real opportunity to serve the people. Such services ought to be of the highest character and can never be fully fruitful without the sacrifice of time and attention in behalf of the affairs of the institution. New Hampshire is fortunate in having many able public servants to fill these posts. Occasionally circumstances prevent members from being able to attend to their duties and in those instances their retirement would make way for active members.

5. The Governor is an ex officio member of various boards and commissions. Since the Governor and Council are charged by law with the responsibility of making decisions upon recommendations of the boards and commissions themselves, it is hardly in keeping that the Governor be a party both to the recommendation and the decision as well. I recommend that, for the most part, his duties upon these boards and commissions be dispensed with. I shall report further upon this matter when a plan for the reorganizing of certain departments of the State Government is laid before you.

II. The next general consideration concerns the stability of government and relates particularly to our fiscal and tax policies. Our precarious fiscal foundation in New Hampshire is well known. In late years, our government services have expanded on the uncertain basis of revenue derived, to a large extent, from the profits on the sale of alcoholic beverages, taxation upon pari-mutuel wagers and the tax upon the sale of tobacco. It again ought to be called to mind that revenues from some of our fair-weather income will certainly diminish with any decline in business conditions. The days of expansion



of these revenues are over, temporarily at least, and a moderate decline may be expected. I do not recommend extending the sources of this kind of revenue. In the case of such prospects, we shall have to attempt to hold as well as we can the expenses of State Government somewhere in line with our current revenues, although we shall have to look for a moderate increase in revenue from new sources. While this is not in any sense a budget message, you ought to know the nature of the financial storm we are in and the Legislature might just as well commence bailing out the boat.

After having resolutely applied myself with a good deal of energy to the consideration of the amounts which should be recommended to be appropriated for the various activities of the State Government, I can tell you that the possibilities of drastic reductions in the budget are limited due to the requirements of the law. There have been many people who have suggested that I ought to use the axe. Although I am thoroughly familiar with the use of this tool, I respectfully call your attention to the fact that, first of all, I am obliged to carry out the directions which are expressed in the law, which is your mandate. If the burden of expenses of government is to be lightened to any appreciable extent, you will have to share the responsibility. In one instance, I requested one agency of our Government, whose estimates of certain of its major expenses during the next biennium will rise 300% over 1946, to return its budget recommending the irreducible minimum at which this department could operate and carry out its obligations under the law. The budget was returned to me without reducing it a penny. This board and director have given me a written statement to the effect that the department will not be able to operate and carry out its responsibilities under the law if the budget requests are reduced. In the few weeks which were at my disposal after the budget hearings, it was humanly impossible for me to make an intelligent determination of the needs of this department. This task will, of necessity, have to be entrusted to you.

Over many years the General Court has committed this State to a program involving the expenditure of public funds to which this Administration is firmly bound. It is evident to me that we are in this dilemma, either the laws directing the extent and character of some of the State services will have to

be substantially modified or the blow of the axe will fall, for the most part, on the taxpayers.

In my budget recommendations, the departmental requests for funds will be reduced to what I consider necessary to carry out the wishes of the Legislature and as clearly dictated by the public good. The apparent deficit between income and expenditures for each of the fiscal years in the next biennium will be slightly over \$3,000,000, provided you accept the reductions of \$1,200,000, which I have made in the requests of the Administrative Departments in each year of the biennium. This does not take into account the increase which should be made in the wages of State employees. The cost of any increase or extension in present services you must add to this deficit.

Unless you are more ingenious in reducing the expenses of government than I have been up to the moment, you will need to seek new sources of revenue. If you decide to do so, and I do not know how it can be avoided, there are certain courses that I recommend you pursue. If such is your decision, now is the time to lay the frame work for a taxation system in New Hampshire that is equitable and upon a base broad enough to transfer the present dependency upon sin to the more secure foundation of virtue. Rather than employ the fields of special use and special activity taxation, we should adopt a system which will provide broad sources of revenue at moderate rates. These taxes ought to be visible and paid in cash separately from any other payments. The unquity of hidden taxation is well recognized. In the purchase of cigarettes, for example, an altogether different effect would be obtained in paying the tax if it had to be sent separately to the State and Federal Government which collects it through the retail price. We forget that twenty cents is not the value of the cigarettes at all, but eleven and one-half cents, and the rest is tax.

A fair measure of the ability to pay a tax is earning power. If taxes are inevitable, I recommend an equitable tax, justly proportioned upon the ability to earn, measured by income, severally as to individuals, merchants, and manufacturers, classified at rates proportional to the net earnings resulting from such income. Reasonable exemptions ought to be established, and the rates can be very low. Admittedly there are

doubts concerning the constitutionality of classifying various kinds of income and levying rates against each such class which are not uniform. An advisory opinion of the Court concerning the constitutionality of levying a tax in the foregoing manner, ought to be obtained before adopting such a program.

If this plan of taxation is adopted, I urge that the stock-in-trade tax be abolished. Some basis of reimbursement to the towns for the loss of this tax ought to be provided for. While I shall give attention to the industrial situation presently, I should like to say here, that if we do not take some aggressive steps in the direction of an expanding industrial establishment, we shall not only be short of jobs, but confronted as well with a shrinking state income. Such a situation would be little short of a calamity.

In 1939 the State Tax on property was abolished. However, it is a responsibility of the State Tax Commission, clearly defined in the law, to equalize periodically the values of property subject to the property tax. Based on a study made by the Tax Commission, the equalization of values of property subject to this tax by towns and municipalities will result in an increase of revenue amounting to over \$6,000,000 annually if the results of the study of the Commission are indicative of the situation throughout the state. The variation in valuations of property of equal value appears to be as great as fifty per cent as between one town and another in many instances. This imposes an unequal burden upon taxpayers and the Commission should take prompt steps to correct it.

Although this increase in income, were it available to the state, would be ample to meet the budget requirements during the next biennium, it must be kept in mind that the burden of reimposing a State Tax would fall unevenly upon the towns and cities, many of which are in dire need of increased revenues themselves to carry on their own public obligations. While the equalization of values upon property ought to be accomplished as promptly as possible, this tax source does not offer the means of balancing the state budget at this time, although the effect of equalization upon the tax structure ought to be considered by this Legislature.

I recommend that there be established a department of audit and control. There is now but one officer of the State Government responsible in the last analysis for the performance of these functions. We are now spending, in all depart-

ments of State Government, \$50,000,000 a year. The supervision of such spending needs a more substantial organization. I recommend within such a department a Finance Commission whose duty it shall be to pre-audit, vouch, and account for all expenses of State Government and which shall have the continuing responsibility of preparing the budget under Executive direction and be further responsible for confining the expenses of the administrative departments to their appropriations and, within the departments, to projects and activities authorized by the General Court. The various retirement boards, the Merit System Council, the Classification Board, and the Personnel Services should be consolidated in this department.

In the authorization of payment of public funds for goods or services furnished by contract, I recommend that the law be made clear as to the responsibility of the trustees and administrators of public institutions in vouching the payment of public funds.

I recommend that in the expenditure of emergency funds, amounts for any purpose exceeding \$5,000 be subject to the joint approval of the Governor and Council and the Legislative Budget Officer. Keeping legislative appropriations at the minimum requires the occasional use of emergency funds and a greater appropriation therefor, but large expenditures of these funds should be made insofar as possible subject to legislative approval.

The need for better supervision of the expenditure of state funds applies to the cities and towns as well. Local government spent during 1947 over \$40,000,000.

Whenever proposals are made here which will give the local government the opportunity to improve its methods, we ought to help with a sympathetic consideration of such proposal. The state ought always to take such steps either through statutes or administrative procedures as will assure a maximum degree of local stability based upon sound fiscal policies. To this end I recommend that the statute concerning municipal reserves be extended, with reasonable limitations to include cities.

III. Our final consideration relates to the extent and kind of services furnished by the State Government. We can afford here in New Hampshire a government which furnishes

essential services in the modern sense of the word, which is liberal and not reactionary, progressive and not static, and which conforms to the ideals of a prudent, intelligent and socially conscious people. We cannot afford, however, to indulge in the extravagant or experimental, nor in some of the more expensive social services unless you are willing to commit the people to burdensome taxation.

Except in the fields of audit and control, and in the supervision of public works projects, I recommend no new state services at this time. We need to do better what we are now doing before we take on new public obligations. We need to make definite improvements in various activities.

### **Planning and Development**

The Planning and Development Commission is divided into the fields of publicity, planning and industrial promotion.

In the field of publicity our promotional investments must always be carefully weighed for tangible results. We advertise, and should continue to, in a reasonable and practical way, our natural advantages, industrial opportunities, and our products. Our agriculture should be included in this program.

In the field of planning I recommend the organization of a State Building Inspection Service. This service will

1. Prepare as a guide to state institutions and departments a statement by the State Architect of conditions under which architectural services will be retained and paid for. It should be the policy of the state not to accept work by architects as a gratuity but to pay for any such service.

2. Establish an office of State Building Inspector who will be responsible to the Commission for carrying out the provisions of this law.

3. Review all final plans and specifications relating to new construction, alteration or repair to state owned buildings and approve the same before such plans are advertised for bid.

4. Advise in the awarding of contracts.

5. Provide for field inspection on every building construction project which has been awarded on a bid basis.

6. Furnish the trustees and the administrators of each institution with technical information necessary for the approval of manifests for payment against building contracts.

7. Provide a consultation service to state institutions and other departments to investigate needs for alterations and repairs and seek to anticipate such building needs before they become critical.

8. Prepare a suggested building code for submission to the Legislature.

The need for this service is so obvious that it hardly needs further comment. Let it be said that the general surveillance of cash payments in the entire field of the capital budget, from beginning to end, should lie in the Department of Audit and Control, whereas the certification of the physical aspects of the work should lie in the inspection service division of the Planning Agency.

Our activities in the broader aspects of Planning and Development are often solely directed to enticing into New Hampshire the alien dollar. Whereas the need for this activity cannot be over estimated, our promotional departments should bear in mind that our ministries should be devoted first to our own people. The State should never intrude upon local prerogatives but this does not excuse the State from exerting a little leadership. New Hampshire is a family of communities where self-pride is a common trait. Most of us like to keep our faces washed and our clothes mended. For the minority who do not, a little paternalism is not misplaced. To the end that state agencies are able to key up community morale, help clean up the roadside and promote out-door good housekeeping, the result can be measured in dollars in our pocket.

In this connection, I recommend the licensing and reasonable regulation of billboards, both with respect to size, location and maintenance. This will not deprive anyone of the privilege of roadside advertising but will secure an orderly protection of the interests we all have in the attractiveness of our roadsides. Such small licensing fee as may be required will produce more revenue than is necessary to cover the moderate cost. The State Police is the logical agency to furnish such enforcement as may be needed.

The field of state planning should not be confined to the recreational. There is a genuine need for a planning agency that will contribute to decisions regarding the kind and type of public projects which the State needs and should have.

There will immediately come to mind, among such projects, the kind of roads and the functional design of buildings which the State should plan out. When municipalities and towns do not have at their disposal such services, the State Planning Agencies should assist in supplying their needs as well.

Our planning agencies should analyze any needs that arise for new state services or the expansion of present ones, gauge this need, and the proper location of it in the pattern of our government.

One of the great challenges that New Hampshire faces right now, is the promotion, and even the maintenance of our industrial activity. There is an urgency here which affects jobs, income and the character of our future development. The old industrial pillows upon which we used to rest our head rather complacently, in the fond expectancy that nothing ever would happen, are losing their feathers. An adverse prevailing economic wind has been blowing them out of New England and to some extent out of New Hampshire as well. I refer of course, to the textile and, to some extent, the shoe industry. In these fields we are losing ground and we shall be lucky if we do not lose more. Our industrial progress in this region is now in the fabrication of steel, in the manufacture of electric machinery, iron and steel products, in transportation equipment other than automobiles, and the like. The recent decision of the Court in the matter of basing point pricing, enjoining steel producers from equalizing freight charges, may make the future of these enterprises most precarious. We need, desperately perhaps, sources of steel supply nearer than Pittsburg, Gary, Buffalo or Sparrows Point. A supply of ore will be available in Quebec and another supply is now available in Newfoundland. Canada would welcome this export business. The continuous casting process offers the possibility of steel manufacture in units small enough to make it a practical proposition for manufacture at Portsmouth. We shall have to keep awake to the possibility. For the purpose of advising me concerning this and other possible industrial developments in New Hampshire, I shall appoint an Industry Advisory Committee. In further support of the value of this work, let me only say that the more industrial enterprises we have to help pay the fixed freight of government, the less the rate on all of us.

### Health and Welfare

The State has liberally assumed broad responsibility in its health and welfare services. Our public policy has been realistic, liberal, and as generous as we could afford.

The costs of these services have increased enormously. In the determination of reimbursable costs, we are making in many instances only a half-hearted and belated attempt to collect from those who are able to pay. Certain of our institutions are giving the best of service at substantially below cost. I have commenced an inquiry into this matter and urge you also to give it your attention. I shall later make a further report to you upon this subject.

### Agriculture

Our agriculture is in relatively good condition, with an income in 1947 expanded to \$65,000,000. Our state services have been increased to meet the need of modern inspection services in various fields of agricultural activity.

Once more we must look ahead to the day of food surpluses. Maintaining high quality of agricultural products again becomes increasingly important. The continuation of careful livestock and disease controls are essential to protect our healthy reputation for relatively clean herds of high producing cattle, and the superior standards of our fast growing poultry industry.

We should continue the careful inspection of agricultural products sold under our own and federal standards, to protect both the consumer and the future security of our own agricultural enterprise. This includes, among others, the inspection of feeds, seeds, fertilizers and various chemicals widely used in agriculture.

The income available to agricultural fairs will probably decrease somewhat, while the number of fairs is increasing. With the tendency to enlarge expenditures, particularly of premiums, a word of caution might not be out of place, if the fairs are to maintain their present sound financial foundation. Good clean, well managed agricultural fairs are an asset and encouragement to our agriculture.

### Natural Resources

The Forestry Department has justifiably requested the means to strengthen the forest fire control program, both



through changes in the law, through fire training programs, through a strengthening in fire management personnel, and through the purchase of equipment. This program is so clearly in the public interest that it is hardly deniable. Insofar as this policy is consistent with the need for careful conservation of state funds, I endorse it. The work of the extension service in forestry should be supported and encouraged.

I recommend the exemption of standing timber from the property tax and the imposition of a yield tax to be levied and collected at standard rates by the towns. Based upon the decrease in the valuation of standing timber during the year 1947, as compared with the value of the growth actually removed from the forest lands of the State, the tax now levied against standing timber, is apparently only a small per cent of its true value. Its complete exemption would have reduced the tax on property in the year 1948, which amounted to twenty-eight and a half million dollars, by only 1.3 per cent. With the income from a yield tax the reduction would have been only 1 per cent. In any new tax system this loss should be spread out so that it will not fall unduly upon any town.

Better forest management is an essential part of sound conservation. Changes should be made in the law establishing District Forestry Advisory Boards to provide for their co-operation with timberland owners in adopting voluntary standards of better forest practices. The State should encourage the self-regulation of the cutting of timber on private forest land. An aggressive program of education will contribute to a better understanding of this problem. The improvement of both the quality and quantity of our timber resources will result in more income and greater employment in forest industry.

The State needs a clearer conception of public policy in the use of its water resources. Our commissions dealing with the utilization and exploitation of water should establish this policy in the long range development of our major river valleys so that it will not only be clear to us but to the Congress and to the United States Army Engineers, who are agents of the Federal Government in flood control matters. The people of New Hampshire should know what policy we should pursue in the use of these resources.

The state should continue to co-operate with the Soil Conservation Service in their valuable work. These resources

are fundamental to the future wealth and prosperity of all of our people.

### Education

New Hampshire has made some real progress in improving educational opportunities. This progress should be maintained. In allocating money for distribution to local school districts, we should know how the distributed funds are actually used. There is evidence which indicates that some of this money has not been used for the real objectives of the program. I recommend that the method of distribution be changed to the basis upon which equalization funds were formerly distributed, or upon a similar formula. A strict accounting of these funds should be insisted upon and weight given to the proportion by which local funds in the support of school districts have also been increased. In my budget message I shall have further comments upon this subject.

Teachers ought to be able to retire with an income proportionate to the pensions prevailing in other activities. The participation of the State in this system is essentially a further subsidy to local educational institutions. It is clear that there is a limit to the ability of the State to participate in the liberalization of retirement benefits. Our present financial difficulties should be taken into account in determining the equitable distribution of the costs of administration as well as the costs of the pension itself, among the teachers, the local school district, and the State.

### University of New Hampshire

In these days of dreary dollar deflation, the University of New Hampshire has not escaped the effects of the depreciation of the buying power of its currency, including the usually staunch and trustworthy millage levy. Its Board of Trustees has wisely decided that this is not the time for an increase in this tax which the Legislature imposes upon the general funds of the State for the support of the University of which we are all justly proud. I have been advised however, that it has been the decision of the Board to recommend a moderate increase in tuition rates. Even with such increases, the rates at our University will be decidedly modest in comparison with other similar institutions, even in states where economic conditions are equal or inferior to ours. This seems to be a logical and well advised decision.

The modification of the limitation upon the admission of non-resident students will prevent a decline in the future enrollment of the University. New Hampshire students need only to be qualified to be admitted. Out-of-state students may be admitted only after qualified New Hampshire students have been taken care of, and only upon stricter standards of admission. In addition, out-of-state students are in competition with other out-of-state applicants who seek the same privilege.

Modification of the restriction upon the admission of out-of-state students will not militate against the admission of qualified New Hampshire student applicants. In addition, the ability to admit some out-of-state students permits the University to fill vacancies promptly, when qualified New Hampshire students are not available, thus reducing the overhead costs of the University. This change will contribute to maintaining high educational standards and permit the University to admit the children of out-of-state alumni to the extent that they deserve. I recommend the modification of the limitation.

### **Labor**

Labor management relations in New Hampshire are, on the whole, pleasant and satisfactory. In this field, as in so many others, we have too many laws. I recommend the repeal of the law respecting union security contracts and will hazard the prediction that the effect of its repeal will be beneficial upon future relations. I will personally devote any efforts that will contribute to a full participation by the State in any future negotiations designed to promote complete and harmonious co-operation. It seems to me that this is a prerequisite to industrial progress which we so much need.

### **Fish and Game**

The Fish and Game Department has made substantial progress in improving the rearing facilities in our expanding system of hatcheries. As in many other activities, the need for even more facilities is ever present. It will be necessary to confine the expenditures of this department to its expected income, except possibly in the field of long range capital improvements, I shall devote some attention to any such project in the budget message.

The increase in hunting accidents is alarming. I trust

some means may be found to reduce the hazard caused by irresponsible holders of hunting licenses.

### Highways

In appraising our system of highways we ought to have certain recognizable standards in mind. Outside of the highways that have been built under Federal specifications and with Federal aid we have no such standards. We have in our highway system roads that are thoroughly adequate. On the other hand, much of our system is inadequate, with many miles of old corduroy roads covered over with tar and gravel, and many narrow, crowning roads that are sorely in need of early betterment.

A recent comprehensive survey of the needs of our highway system by the department discloses improvements currently needed which would cost today over \$80,000,000. How to provide a remedy for this situation is not an easy problem.

There has been submitted to me a program for highway construction for the next biennium which indicates that approximately 112 miles of Federal aid, trunk line reconstruction, State aid construction, and trunk line betterment can be built with increased borrowing which will result in an increased indebtedness of two to three million dollars as of the end of the biennium. This program will provide the Highway Department with funds sufficient to provide a capital outlay during the biennium of nearly \$13,000,000. In my opinion, based on present personnel, this is as much as the Highway Department can efficiently spend. I recommend this program with the following exceptions. Certain of the recommended projects are so sharply higher in cost at the present time that we ought to defer their construction as long as the present inflation in construction costs continues. On the other hand, projects involving relatively greater mileage which can be accomplished at much less unit cost should be carried through to the extent that a sound program of financing will provide the capital.

This by no means will result in a program of reconstruction that will meet fully present requirements. If it is the decision of the Legislature that a more ambitious program be undertaken, increased financing will be necessary and this money would naturally come, in the first instance, from borrowings. It ought to be kept clearly in mind however, that it is not

sound highway financing, particularly in New Hampshire, to extend the time of maturity of highway bond indebtedness beyond ten years. Therefore, if you decide upon a program involving the use of more funds than available under the program which will be laid before you, you must provide for increased payments into the Highway sinking fund to take care of bond amortization, and these funds can come from an increased toll upon gasoline or from increased rates upon the registration of motor vehicles.

Some time ago I made the announcement that I had retained the services of consultants to make an analysis of the operation of this department. A full report to you of the findings of these consultants would obviously be out of place at this time. An indication of the results of this survey however, is now appropriate, if only to indicate to you the value which we shall derive from similar studies into the operation of other departments of State Government. A full and complete report of this work will be laid before you in order that you may be appraised of the steps which should be taken to improve the functions and efficiency of this important adjunct of the State Government. The preliminary report of the engineers makes the following points:

1. Substantial operating savings are possible amounting to approximately \$200,000 a year.

2. Reorganization of the administrative structure of the department will result in even larger savings in the years ahead.

3. A planning and economic division will vastly improve the quality of the long range highway program resulting in further substantial savings.

4. There is a need for the pre-qualification of contractors.

5. A pressing need of public relations personnel exists to give the public an adequate perspective of future plans and a better knowledge of current operation and an insight into the problems of the department.

6. Standards of performance should be established by the Highway divisions which will provide a distinct improvement in field operations.

7. There should be an improvement in the control of the inventory of the department.

8. The establishment of an operating budget together with sound budgetary procedure will meet the requirements of better audit, control, and fiscal planning.

9. Inequalities in wage scales should be removed and a prompt reclassification made in the employees of the department.

10. An improvement is needed in the division highway patrol system which will show a major source of savings.

11. A sound long range construction program should be adopted to raise road standards to an acceptable level.

The final and significant comment of the preliminary report relates to the distinguished career of the Commissioner in the operation of this department and the satisfaction which the engineers expressed of the high level of honesty prevailing in the department.

#### **Public Utilities and the Public Service Commission**

The administration of the laws in the field of utility regulation is a function of far reaching importance to the people of the State. The laws conferring the rate making authority ought to be reviewed, for the Commission obviously can act only within the limitations imposed by the statutes.

#### **Sanitarium**

There appears to be a considerable weight of opinion that the present site of the sanitarium at Glencliff ought to be abandoned and the operation of the hospital transferred to buildings that will become available at a location more accessible and convenient. If such a program is adopted it is not too soon to commence the consideration of an alternative site and the future disposition of the present hospital.

There is also considerable weight of opinion upon the other side of the question, and if the proposal to transfer is rejected, certain capital improvements ought to be undertaken reasonably soon. The decision ought to be made by a committee of those qualified to resolve the question. I recommend that you provide for an inquiry to be commenced at an early date that will establish the policy of the State regarding the future of this institution.

### The State House

Our State Government has grown like Topsy. It is once again in the process of migrating to various sections of the capital city.

We have lately seen how overwhelming are the errors of man in prophesying about the future. Witness this quotation from an editorial from one of our proud journals, noted for its editorial sagacity. The date is February 15, 1909 and the title of the editorial is, "Finish the State House Matter Now," and the \$2,000,000 project to which it refers is that monstrous proposition to build a State House in Manchester. I quote:

"After disposing of the \$2,000,000 projects by adverse reports, the Committee on Public Improvements should report a bill for enlarging the State House, remodelling the interior of the present building and fire-proofing the whole along the lines of the Bachelder plans. This is in accord with business principles, and, if the completed structure shall be as attractive as the plans on exhibition in the State Library show, the State will have well provided for its needs for another century."

Well, the improvements were made and at the dedication ceremony on the 25th of the following October in the year 1910, the Honorable Nahum J. Bachelder, with much wisdom stated,—

"In this magnificent building our children and our children's children will assemble for years to come."

Yet in 1937, when we were paying out over \$35,000 a year in rental of outside office space, we provided for the new state office building. Now, once again, our bill for rent of floor space in offices other than in state buildings is approximately \$32,000 a year. Without any exorbitant capital outlay, at least half of this expense can be saved and the needs of most of the wandering and homeless agencies provided for. I will not predict however, with the adoption of the program which I shall undertake to lay before you in a later message, that the administrative wanderlust will by any means come to an end.

### Personnel Services

A thorough revision should be made of our classification system. Both the representatives of State employees, the Classification Board, the Merit System Council, and myself are

in agreement that a thorough reorganization of this system must be made.

Since I have met several times with the representatives of State employees at their request, and since it seemed desirable to make early progress with this matter, I have requested a committee composed of representatives of the State, State employees and the public to commence work upon this problem and have arranged to furnish technical assistance to this committee. As a result of this work the Classification Board will have recommendations upon which to base such changes as may seem to be justified both in the Classification System and in the wages of the State employees.

As soon as this work has been completed I shall lay before you any changes which may be required in the law in order to establish a system of job evaluation and classification which meets the needs of the State.

### Civil Defense

The world crisis imposes upon us the need for accepting promptly the recommendation of the Secretary of Defense in the program of Civil Defense for National Security. The support of the National Guard, the State Armories, and sufficient administrative and office personnel are essential parts of this program. I recommend such legislation as may be required to adopt a State program which carries out the recommendations of the Secretary insofar as these recommendations are within the responsibility of the State of New Hampshire to carry out.

The success of what we do here depends upon our working together towards decisions that seem best designed to make our State Government the best institution of its kind anywhere. Nothing less will satisfy you, nor will it satisfy me. To this end I hope we can confer often, through your leaders, or your committees or as individuals. My time and energy will be devoted to working with you to make this session of the General Court productive of the greatest possible good.

Before I close I should like to make grateful acknowledgment of the fine co-operation I have had from the previous administration in preparing myself for the tasks that lie in my path.

The need is clear for the highest ideals of service. In the attainment of them, I shall give all the energy I possess.



Though, in the words of the old book of Ecclesiasticus, "we have no memorials," and although "we perish as though we had never been," may our works be such as to remain for the useful purpose of those who follow us.

Benediction was offered by Bishop Charles Hall.

On motion of Senator Otis of District No. 15 the convention rose.

## House

### Resolutions

On motion of Mr. Laraba of Portsmouth,

*Resolved*, That the House of Representatives has listened with gratification to the message of Governor Sherman Adams and hereby express to him the high esteem in which we hold him.

Mr. Turner of Keene offered the following resolution:

*Resolved*, That the Clerk, with the advice and consent of the Speaker of the House of Representatives, may employ such stenographic and other clerical assistance as they may deem necessary, to be as follows: Speaker's stenographer, stenographer for Judiciary Committee, stenographer for Appropriations Committee, mileage clerk, three stenographers for the House, one messenger for Judiciary Committee and one messenger for Appropriations Committee.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Bell of Plymouth the Speaker appointed the following members as a delegation to attend the funeral of Dr. Ernest Silver: Messrs. Barney of Rumney, Willey of Campton and Fuller of Hanover.

On motion of Mr. Sanborn of Wakefield the rules were suspended and business in order this afternoon was made in order at the present time.

On motion of Mr. Wadleigh of Milford at 1:20 o'clock the House adjourned.

TUESDAY, JANUARY 11, 1949

The House met according to adjournment.

Prayer was offered by Rev. Austin Reed of Goffstown.

### Leaves of Absence

Messrs. Keller of Laconia, Maynard of Nashua and Geisel of Manchester were granted leave of absence for the day on account of important business.

Mr. Roby of Concord was granted leave of absence for Wednesday, January 12, on account of attending a funeral.

Mr. Fitch of Deerfield was granted leave of absence for the day on account of being out of the state.

Mrs. Lazur of Berlin, for the committee appointed for the assignment of Committee Rooms, submitted the following report:

### Assignment of House Committee Rooms

Agriculture	Ladies' Lounge, Basement
Appropriations	Room 318
Aviation	Liquor Commission, Patriot Bldg.
Banks	Room 301
Education	Room 305—Annex
Executive Departments and Administration	Room 317
Fish and Game	Room 100
Forestry and Recreation	Room 100
Insurance	Room 208-W Annex
Judiciary	Room 308
Labor	Council Chamber, City Hall
Liquor Laws	Liquor Commission, Patriot Bldg.
Military and Veterans' Affairs	Room 317
Municipal and County Government	Room 207—Annex
Public Health	Council Chamber, City Hall
Public Works	Room 305—Annex
Public Welfare and State Institutions	Ladies' Lounge, Basement

Transportation	Room 208-W
Ways and Means	Room 207 Annex
Rules	Speaker's Office—Room 115

The report was accepted.

### Resolutions

Mr. Hambleton of Goffstown offered the following resolution:

### Resolutions

on the death of

FRANK H. PEASLEE

*Whereas*, We have learned with sorrow of the death of Frank H. Peaslee, Representative from Weare for nine sessions, former State Senator and Delegate to the Constitutional Convention, and

*Whereas*, His longtime membership in the service of his state and his tenure of office in civic positions, including that of town clerk for thirty years and railway express agent for forty-two years, have been distinguished not only by his accomplishments but by his courtesy, kindness and fairness in all of his dealings, thus earning for him the deep respect and confidence of the public and his associates, therefore be it

*Resolved*, That we pay tribute to our fellow member for his devoted and faithful public service to his town and state, and be it further

*Resolved*, That we extend our heartfelt sympathy to his family in its bereavement; that the Speaker designate a delegation to attend the funeral services, and that the Clerk be instructed to procure a floral tribute, and be it further

*Resolved*, That a copy of these resolutions be sent to Mrs. Peaslee.

The resolution was unanimously adopted by a rising vote.

### Communication

January 10, 1949

Honorable Richard F. Upton,  
Speaker of the House of Representatives,  
Concord, N. H.

DEAR SIR:

In connection with the appointment of a delegation from the House of Representatives to attend the funeral of Frank

H. Peaslee, may I suggest the following members for your consideration:

A. Kenneth Hambleton of Goffstown, Albert E. Shedd of New Boston, Lester E. Connor of Henniker, Stewart E. Astles of Hopkinton, and Arthur O. Ellsworth of Deering.

The Speaker appointed the above named members to said delegation.

Mr. Molloy of Gorham offered the following resolution:

### Resolutions

on the death of

MRS. JAMES A. FRASER

*Whereas*, We have learned of the death of Mrs. James A. Fraser, wife of the Representative from Gorham, therefore be it.

*Resolved*, That we extend our heartfelt sympathy to our fellow member in his bereavement, and be it further

*Resolved*, That the Clerk transmit a copy of these resolutions to Mr. Fraser.

The resolution was unanimously adopted by a rising vote.

### Resignation

The following resignation was accepted:

January 6, 1949

Honorable Richard F. Upton,  
Speaker of the New Hampshire House of Representatives,  
State House,  
Concord, New Hampshire.

DEAR SIR:

Having removed from the State of New Hampshire I hereby tender my resignation as a member of the House of Representatives representing the town of Charlestown, New Hampshire.

Respectfully yours,

HOWARD H. HAMLIN.

The Speaker announced the following standing committees:

**AGRICULTURE COMMITTEE**

Connor of Henniker,

Chairman

Blake of Swanzey,

Vice-Chairman

Bunten of Concord

Holmes of Langdon

Reid of Litchfield

Gould of Colebrook

Chamberlin of Bath

Johnson of Milan

Jones of Francestown

Lageux of Somersworth

Stevens of Kingston

Alessi of Portsmouth

Evans of South Hampton

Stackpole of Dover

Kelley of Gilmanton

Dwyer of Manchester

Hodgdon of Tuftonboro

Malatras of Manchester

Cummings of Peterborough

Sewall of Newmarket

Darling of Keene

**APPROPRIATIONS COMMITTEE**

Atherton of Nashua,

Chairman

Boynton of Hillsborough,

Vice-Chairman

Bell of Plymouth

Richards of Exeter

Henderson of Durham

Currier of Colebrook

Sanborn of Wakefield

Merrill of Hampton

Daniels of Manchester

Fitch of Deerfield

Tilton of Laconia

Smalley of Dover

Hart of Wolfeboro

Barry of Wilton

Billings of Westmoreland

Sawyer of Woodstock

Russell of Sunapee

Cummings of Newport

Stapleton of Pittsfield

Oakes of Landaff

Greene of Concord

**BANKS**

Doonan of Greenville,  
Chairman

Geisel of Manchester,  
Vice Chairman

Willard of Keene	Bruno of Tilton
Colbath of Concord	Lorden of Franklin
Carter of North Hampton	Williams of Washington
Blodgett of Concord	Farwell of Brookline
Adams of Lebanon	Marquis of Nashua
Chamberlin of Haverhill	Spalding of Nashua
Peaslee of Merrimack	Auger of Manchester
Clark of Derry	Donnelly of Manchester
Kenney of Loudon	April of Manchester
Rolfe of Rochester	

**AVIATION COMMITTEE**

Brown of Laconia,  
Chairman

Astles of Hopkinton,  
Vice Chairman

Black of Bennington	O'Brien of Manchester
Venne of Concord	Ingraham of Portsmouth
Bluitte of Raymond	Marcotte of Dover
Orr of Littleton	LaBranch of Franklin
Baker of Stewartstown	Maynard of Nashua
Hutchins of Claremont	Goulet of Nashua
Falkenham of Dalton	Nolan of Manchester
Hill of Conway	Mullaire of Hooksett
Ingham of Winchester	Healy of Manchester, Ward 5
Shea of Manchester	

**ELECTIONS**

Taylor of Whitefield,  
Chairman

Willey of Campton,  
Vice Chairman

Hepworth of Derry	Landry of Nashua
Roche of Manchester	

**ENGROSSED BILLS**

Wild of Jackson, Chairman

Landers of Keene	Hurd of Concord
Corliss of Manchester	Cater of Somersworth

**EDUCATION COMMITTEE**

Fuller of Hanover, Chairman

Pillsbury of Manchester,

Vice Chairman

Atwood of Sanbornton	MacGown of Freedom
Reed of Goffstown	Towle of Epsom
Saltmarsh of Concord	Grass of Franconia
Tracy of Amherst	Lazure of Berlin
Winslow of Keene	Betley of Manchester
Durkee of Seabrook	McPhail of Manchester
Griffin of Auburn	Lareau of Manchester
Landers of Keene	Chasse of Nashua
Sanborn of Fremont	Nelson of Goshen
Brown of Strafford	

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

Johnson of Northwood,

Chairman

Zopf of Claremont,

Vice Chairman

Aldrich of Keene	Thompson of Laconia
Read of Plainfield	Yerxa of Sutton
Downs of Conway	Dondero of Portsmouth
Willey of Campton	Moffett of Berlin
Hill of Conway	Velishka of Nashua
Spalding of Hudson	Fecteau of Epping
Webster of Farmington	Cater of Somersworth
Haigh of Salem	Paquette of Nashua
Rathbone of Exeter	Fitzgerald of Manchester
Gardner of Springfield.	

**FISHERIES AND GAME COMMITTEE**

Fernald of Rochester,  
Chairman

Converse of Pittsburg,  
Vice Chairman

Whittier of Bethlehem	Washburn of Bartlett
Shedd of New Boston	Nicoll of Bow
Kelley of Littleton	Sargent of Danbury
Felker of Dover	Sommers of Holderness
Obert of Center Harbor	Hobbs of Portsmouth
Thompson of New Ipswich	Roy of Berlin
Zimmerman of Keene	Getz of Manchester
Tolman of Nelson	Walker of Grantham
Kimball of Jefferson	Heroux of Manchester
Knox of Sandwich	

**FORESTRY AND RECREATION**

Dort of Chesterfield,  
Chairman

Evans of Lancaster,  
Vice Chairman

Spiller of New London	Converse of Pittsburg
Barney of Rumney	Downing of Newport
English of Hancock	Madden of Lincoln
Ransom of Meredith	Fraser of Gorham
Remick of Tamworth**	Daniel of Manchester,
True of Sandown	Ward 13
McAllister of Barnstead	Simard of Manchester
Hart of Laconia	Wedick of Manchester*
Ellingwood of	Belcourt of Nashua
Northumberland	Dudevoir of Hooksett
Cole of Lebanon	



**INSURANCE**

Elwell of Exeter, Chairman

White of Claremont,

Vice Chairman

Downs of Conway

Ring of Alstead

Phelan of Stark

Holmes of Salisbury

Baxter of Millsfield

Persson of Candia

Kennedy of Concord

Thompson of Winchester

Shannon of Laconia

Cormier of Nashua

Cavanaugh of Manchester

Sweeney of Manchester

Crandall of Dover

Dodge of Dover

Kean of Manchester

Dussault of Berlin

Grandmaison of Nashua

Chapdelaine of Manchester

**INTERSTATE COOPERATION COMMITTEE**

The Speaker

Myhaver of Peterborough

Peever of Salem

Pickett of Keene

Edson of Lebanon

**JOURNAL**

The Speaker

McShea of Manchester

Towle of Epsom

**WAYS AND MEANS COMMITTEE**

Dwinell of Lebanon,

Chairman

Peever of Salem,

Vice Chairman

Parmenter of Londonderry

Corson of Derry

Spofford of Jaffrey

Thibodeau of Wolfeboro

Hazelton of Chester

Elliott of Milford

Scamman of Stratham

Taylor of Whitefield

Graves of Brentwood

Keller of Laconia

Ferguson of Pittsfield

Thomas of Dublin

Sherwin of Rindge

Edson of Lebanon

Malley of Somersworth

Jones of Rochester

Malloy of Gorham

Stocklan of Dover

Healy of Manchester, Ward 6

**TRANSPORTATION COMMITTEE**

Myhaver of Peterboro,

Chairman

Miller of Fitzwilliam,

Vice Chairman

Leach of Rochester

LaFlamme of Manchester,

Flynn of Concord

Ward 12

Marden of Chichester

Labranche of Newmarket

Wormhood of Madbury

Thibodeau of Manchester

Weeks of Gilford

Ward 13

Wiggin of Ossipee

Cote of Nashua

Chase of Franklin

Boire of Nashua

Perry of Haverhill

Simms of Claremont

Bissonnett of Claremont

Henderson of Berlin

Davis of Newton

Gagnon of Berlin

Roukey of Manchester

**RULES**

The Speaker

Barry of Wilton

Laraba of Portsmouth

Sawyer of Woodstock

Turner of Keene

Normandin of Laconia

Atherton of Nashua

**PUBLIC WORKS COMMITTEE**

Ingham of Winchester,

Chairman

Weeks of Greenland,

Vice Chairman

Falconer of Milford

Savory of Warner

Bigelow of Pelham

Smith of Keene

Moore of Bradford

Grimes of Dover

Philbrick of Rye

Letourneau of Somersworth

Swain of Barrington

Burke of Franklin

Callum of Unity

Hinchey of Berlin

Wadham of Alexandria

Baron of Claremont

Carr of Northfield

Connor of Manchester

Durell of Portsmouth

Downey of Manchester

Horne of Milton

**PUBLIC WELFARE AND STATE INSTITUTIONS**

Thibodeau of Wolfeboro,

Chairman

Corliss of Manchester,

Vice Chairman

Atkins of Hanover

Forbes of Marlow

Andrews of Richmond

Hepworth of Derry

Ewing of Laconia

Falkenham of Dalton

Hardy of Boscawen

Goodwin of Hollis

Hurd of Concord

Roby of Concord

Williams of Grafton

Pushee of Lyme

Lacasse of Rochester

Lea of Pembroke

Farwell of Brookline

Leclerc of Manchester

Potter of Northumberland

Couture of Allenstown

O'Connor of Manchester

**PUBLIC HEALTH COMMITTEE**

Besse of Concord, Chairman

Collins of Lisbon,

Vice Chairman

Studley of Rochester

Wilson of Antrim

Converse of Claremont

Eggleston of Canaan

Tewksbury of Cornish

Dunbar of Enfield

Hamlin of Dummer

Dearborn of Belmont

Ramsdell of Nashua

Stetson of Claremont

Ferrin of Concord

Fontaine of Berlin

Bellerose of Pembroke

Simoneau of Laconia

Shea of Nashua

Roy of Manchester

Kane of Manchester

Zyla of Manchester

Dustin of Rochester

**MUNICIPAL AND COUNTY GOVERNMENT**

Clough of Haverhill

Chairman

Underwood of Hampton,

Vice Chairman

Sawyer of Manchester

French of Bedford

Green of Rollinsford

Redden of Dover

Gardner of Littleton

Payette of Portsmouth

Roberts of Orford

Desilets of Berlin

Moses of Lancaster

Farmer of Newport

Rhodes of Walpole

Ellsworth of Deering

Smith of Meredith

Ecker of Manchester

Lucy of Conway

Cary of Manchester

Walker of Hinsdale

Girouard of Nashua

Suosso of Concord

**MILITARY AND VETERANS' AFFAIRS**

Ashley of Lebanon, Chairman

Piper of Laconia,

Vice Chairman

Eldredge of Exeter

Flanagan of Dover

Black of Bennington

Cartier of Rochester

Astles of Hopkinton

Vaillancourt of Manchester

Rancour of Canterbury

Cannon of Manchester

Root of Hampstead

Gagnon of Manchester

Stebbins of Webster

Betters of Nashua

Danforth of Manchester

Dupont of Nashua

Blodgett of Concord

Bouchard of Berlin

Riley of Croydon

Gauthier of Manchester

**MILEAGE**

Tirrell of Goffstown,

Chairman

Adams of Greenfield,

Vice Chairman

Clark of Derry

Delisle of Manchester

Ferrin of Concord

**LIQUOR LAWS COMMITTEE**

Foote of Portsmouth,

Chairman

Crosby of Hillsborough,

Vice Chairman

Killeen of Walpole

Coakley of Concord

Erwin of Keene

St. Pierre of Rochester

Tilton of Concord

Brown of Ashland

Tirrell of Goffstown

Kazakis of Manchester

Heon of Derry

Casey of Manchester

Yeaton of Portsmouth

Leary of Portsmouth

Amadon of Keene

Phelps of Andover

Corbett of Concord

Dusik of Lyman

Bartlett of Berlin

Smith of New Hampton

Wirkkala of Lempster

**LABOR**

Rowell of Newport,

Chairman

Christiansen of Berlin,

Vice Chairman

Fletcher of Mont Vernon

Perkins of Alton

Nawn of Concord

Brosnahan of Nashua

Goodwin of Hudson

Douphinett of Franklin

Kennedy of Manchester,

Coffin of Somersworth

Ward 1

Martel of Manchester

Waterhouse of Windham

Gouin of Dover

Hall of Marlboro

Augus of Claremont

Anderson of Warren

Lang of Troy

Kershaw of Swanzey

Sullivan of Manchester,

Colcord of Plaistow

Ward 7

Thompson of Effingham

**JUDICIARY COMMITTEE**

Turner of Keene, Chairman  
 Laraba of Portsmouth,

Vice Chairman

Wadleigh of Milford	Parker of Farmington	
Holden of Hanover	Wild of Jackson	
Hamilton of Lisbon	Perry of Jaffrey	
Cooper of Nashua	Hambleton of Goffstown	
Jones of Lebanon	Pickett of Keene	
Banfield of Moultonboro	Mason of Berlin	
Hinman of Stratford	Sawyer of Concord	
Brungot of Berlin	Sullivan of Manchester,	Ward 6
Wheeler of Bristol		
Nash of Concord	Janelle of Nashua	

The Chair announced the following appointments of attaches, each appointment being conditional upon the agreement of the appointee not to charge in excess of 50 miles mileage in case his actual mileage should exceed such limit:

Custodian of Mails and Supplies, Frank N. Jordan of Concord.

Library Messenger, Carl E. Wallace of Laconia.

Telephone Messenger, Lloyd Fogg of Milan.

Warden of Coat Room, Oney Russell of Claremont.

Assistant Warden of Coat Room, Frank Burr of Portsmouth.

Speaker's Page, Arthur L. Carpenter of Plymouth.

Division Pages, Edward Baker of Roxbury, John W. Todd of Goffstown, Carl D. Hayes of Tuftonboro, James Martin of Concord, Leon R. Hayes of Farmington.

**Introduction of Bills**

The Speaker announced the first and second reading of bills by their titles, and joint resolutions by their captions, were made in order.

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mrs. Greene of Concord, House Bill No. 1, An act relative to operation of motor vehicles when approaching school busses. To the Committee on Transportation.

By Mr. Laraba of Portsmouth, House Bill No. 2, An act relative to compensation of jurors for expenses. To the Committee on Judiciary.

By Mrs. Greene of Concord, House Bill No. 3, An act relative to the practice of optometry. To the Committee on Public Health.

By Mr. Shedd of New Boston, House Bill No. 4, An act providing for notice to mortgagee by the tax collector. To the Committee on Municipal and County Government.

By Mr. Ransom of Meredith, House Bill No. 5, An act relating to the audit of school district accounts. To the Committee on Education.

By Mrs. Miller of Fitzwilliam, House Bill No. 6, An act repealing provisions as to the election of assessors in towns. To the Committee on Municipal and County Government.

By Mr. Remick of Tamworth, House Bill No. 7, An act relative to white pine blister law. To the Committee on Forestry and Recreation.

By Mr. Rowell of Newport, House Bill No. 8, An act relative to labor contracts. To the Committee on Labor.

By Mr. Durkee of Seabrook, House Bill No. 9, An act relative to voting by ballot at town meetings. To the Committee on Municipal and County Government.

By Mr. Pickett of Keene, House Bill No. 10, An act relative to the practice of barbering. To the Committee on Executive Department and Administration.

By Mr. Philbrick of Rye, House Bill No. 11, An act authorizing the Rye school district to borrow money and to issue notes or bonds. To the Committee on Municipal and County Government.

By Mr. Carter of North Hampton, House Bill No. 12, An act authorizing the North Hampton school district to borrow money and to issue notes or bonds. To the Committee on Municipal and County Government.

By Mr. Hamilton of Lisbon, House Bill No. 13, An act relative to exemption from jury service. To the Committee on Judiciary.

By Mr. Haigh of Salem, House Bill No. 14, An act relating to pari mutuel pools at race meets. To the Committee on Ways and Means.

By Mr. Hill of Conway, House Bill No. 15, An act legalizing the November election of 1948 in the town of Conway. To the Committee on Municipal and County Government.

By Mr. Sullivan of Manchester, House Bill No. 16, An act relating to pensions for certain officials and employees of the city of Manchester. To the special committee consisting of the delegation from the city of Manchester.

By Mr. Hart of Wolfboro, House Bill No. 17, An act changing the date of Labor Day. To the Committee on Forestry and Recreation.

By Mr. Kenney of Loudon, House Bill No. 18, An act relating to road toll on users of fuel other than motor fuel. To the Committee on Ways and Means.

By Mr. Tracy of Amherst, House Bill No. 19, An act relating to incompatibility of town offices. To the Committee on Municipal and County Government.

By Mr. Ashley of Lebanon, House Bill No. 20, An act relative to payment of bonus for war service. To the Committee on Military and Veterans' Affairs.

By Mr. Sullivan of Manchester, House Bill No. 21, An act relative to the Jewish Community Center of Manchester, New Hampshire. To the Committee on Ways and Means.

By Mr. Kazakis of Manchester, House Bill No. 22, An act establishing the Merrimack River Valley Power Authority and defining its powers and duties. To the Committee on Judiciary.

By Mr. Phelps of Andover, House Bill No. 23, An act relating to the disposal of dog license fees. To the Committee on Education.

By Mr. Holden of Hanover, House Bill No. 24, An act relative to town appropriations for poison ivy eradication. To the Committee on Municipal and County Government.

By Mr. Velishka of Nashua, House Bill No. 25, An act relative to qualifications for old age assistance. To the Committee on Public Welfare and State Institutions.



By Messrs Boynton and Crosby of Hillsborough, House Bill No. 26, An act relative to public dumps and town appropriations for collection and removal of garbage and other waste materials. To the Committee on Judiciary.

By Mr. Pillsbury of Manchester, House Bill No. 27, An act relative to compensation of the state classification plan and retirement system boards. To the Committee on Executive Department and Administration.

By Mr. Rathbone of Exeter, House Bill No. 28, An act relating to the registration of pleasure-car type motor vehicles. To the Committee on Transportation.

By Mr. Pillsbury of Manchester, House Bill No. 29, An act establishing the New Hampshire teachers' retirement system. To the Committee on Education.

By Mr. Moore of Bradford, House Bill No. 30, An act naming the John Stark Highway. To the Committee on Public Works.

By Mr. Durkee of Seabrook, House Bill No. 31, An act relative to penalty for hunting while intoxicated. To the Committee on Fisheries and Game.

By Mr. Converse of Pittsburg, House Bill No. 32, An act relative to prohibiting releasing fish into certain waters. To the Committee on Fisheries and Game.

By Mr. Converse of Pittsburg, House Bill No. 33, An act relative to police powers of conservation officers. To the Committee on Fisheries and Game.

By Mr. Converse of Pittsburg, House Bill No. 34, An act relative to having or carrying loaded guns. To the Committee on Fisheries and Game.

By Mr. Converse of Pittsburg, House Bill No. 35, An act relative to taking beaver and raccoon. To the Committee on Fisheries and Game.

By Mrs. Greene of Concord, House Bill No. 36, An act relating to registration of foreign corporations. To the Committee on Judiciary.

By Mr. Besse of Concord, House Bill No. 37, An act relating to debt limitations as a result of certain required installations of sewerage systems or treatment plants. To the Committee on Public Health.

By Mr. Laraba of Portsmouth, House Bill No. 38, An act relative to the salary of the director of the children's study home. To the Committee on Appropriation.

By Mr. Collins of Lisbon, House Bill No. 39, An act relating to poll taxes. To the Committee on Ways and Means.

By Mr. Collins of Lisbon, House Bill No. 40, An act relating to fees for returns of vital statistics. To the Committee on Public Health.

By Mr. Dort of Chesterfield, House Bill No. 41, An act relating to expenses of the state forester in reforestation plans. or his authorized agents. To the Committee on Forestry and Recreation.

By Mr. Dort of Chesterfield, House Bill No. 42, An act relating to expenses of the state forester in reforestration plans. To the Committee on Forestry and Recreation.

By Mr. Dort of Chesterfield, House Bill No. 43, An act relative to care of lumber slash. To the Committee on Forestry and Recreation.

By Mr. Remick of Tamworth, House Bill No. 44, An act relating to the felling of trees on boundary lines. To the Committee on Forestry and Recreation.

By Mr. Remick of Tamworth, House Bill No. 45, An act relating to method of payment for forest fire expenses. To the Committee on Forestry and Recreation.

By Mr. Myhaver of Peterborough, House Bill No. 46, An act relating to smoking on public carriers where no smoking signs are displayed. To the Committee on Transportation.

By Mr. Myhaver of Peterborough, House Bill No. 47, An act relating to obtaining transportation by fraud. To the Committee on Transportation.

By Mr. Phelps of Andover, House Bill No. 48, An act relating to the apportionment of expenses for municipalities in fighting forest fires. To the Committee on Forestry and Recreation.

By Mrs. Wild of Jackson, House Bill No. 49, An act legalizing certain town meetings in the town of Jackson. To the Committee on Municipal and County Government.

By Mr. Barry of Wilton, House Bill No. 50, An act relative to the burial of veterans. To the Committee on Military and Veterans' Affairs.

By Mr. Phelps of Andover, House Bill No. 51, An act relating to proclamation prohibiting smoking or building fires near woodland. To the Committee on Forestry and Recreation.

By Mr. Besse of Concord, House Bill No. 52, An act relative to leasing sewage facilities. To the Committee on Public Health.

By Mr. Grass of Franconia, House Bill No. 53, An act relating to non-resident pupils in schools. To the Committee on Education.

By Mr. Root of Hampstead, House Bill No. 54, An act relating to Old Age Assistance to inmates of public institutions. To the Committee on Public Welfare and State Institutions.

By Mr. Scammon of Stratham, House Bill No. 55, An act relating to the attendance at county conventions by selectmen of towns not sending representatives. To the Committee on Judiciary.

By Mr. Malloy of Gorham, House Bill No. 56, An act relating to the powers of trust companies. To the Committee on Banks.

### Resolutions

Mr. Bell of Plymouth offered the following resolution:

*Resolved*, That the Clerk be authorized to procure 1500 copies of the Standing Committees, in booklet form.

On a *viva voce* vote the resolution was adopted.

Mrs. Read of Plainfield offered the following resolution:

### Resolutions

on the marriage of

SYDNEY B. CONVERSE

*Whereas*, We have learned of the marriage on January 10, of Sydney B. Converse, the Representative from Claremont for several sessions, therefore be it

*Resolved*, That we extend to our fellow member our congratulations and best wishes for a happy married life, and be it therefore

*Resolved*, That the Clerk transmit a copy of these resolutions to Representative Converse.

The resolution was unanimously adopted by a rising vote.

### Special Order

Mr. Hart of Wolfeboro called for the special Order. It being the drawing of seats.

Mr. Hambleton of Goffstown moved that when the House adjourns today, it be in memory of Frank H. Peaslee, Representative from Weare.

On a *viva voce* vote the motion was adopted.

On motion of Mr. Wadleigh the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

On motion of Mr. Normandin of Laconia at 12:40 o'clock the House adjourned.

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### WEDNESDAY, JANUARY 12, 1949

The House met according to adjournment.

Prayer was offered by Rev. Austin Reed of Goffstown.

### Leaves of Absence

Mr. Fletcher of Mont Vernon was granted leave of absence for Wednesday and Thursday on account of illness.

Mr. French of Bedford was granted leave of absence until further notice.

### Introduction of Bills

The following bills and joint resolutions were severally read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 57, An act relative to unemployment compensation reciprocal arrangements. To the Committee on Labor.

By Mr. Dusik of Lyman, House Bill No. 58, An act relating to accounting for bounties by Selectmen. To the Committee on Fisheries and Game.

By Mr. Zimmerman of Keene, House Bill No. 59, An act relative to definitions under the fish and game laws. To the Committee on Fisheries and Game.

By Mr. Zimmerman of Keene, House Bill No. 60, An act relative to state fish and game refuge. To the Committee on Fisheries and Game.

By Mr. Edson of Lebanon, House Bill No. 61, An act relating to the municipal budget committee. To the Committee on Municipal and County Government.

By Mrs. Dondero of Portsmouth, House Bill No. 62, An act relative to town appropriations for coasting and skating places. To the Committee on Municipal and County Government.

By Mr. Geisel of Manchester, House Bill No. 63, An act relative to annual report of the bank commissioner. To the Committee on Banks.

By Mr. Besse of Concord, House Bill No. 64, An act pertaining to the practice of dentistry. To the Committee on Public Health.

By Mr. Angus of Claremont, House Bill No. 65, An act relative to unemployment compensation benefit eligibility conditions. To the Committee on Labor.

By Mr. Angus of Claremont, House Bill No. 66, An act relative to unemployment compensation disqualification for voluntary quit. To the Committee on Labor.

By the Committee on Rules, House Bill No. 67, An act relative to unemployment compensation. To the Committee on Labor.

By Mr. Angus of Claremont, House Bill No. 68, An act relative to unemployment compensation disqualification for benefits. To the Committee on Labor.

By the Committee on Rules, House Bill No. 69, An act relative to unemployment compensation benefits and benefit eligibility conditions. To the Committee on Labor.

By the Committee on Rules, House Bill No. 70, An act to revise the charter of the city of Keene. To the Special Committee consisting of the delegation from the city of Keene.

By Mr. Root of Hampstead, House Bill No. 71, An act legalizing the biennial election in the town of Hampstead. To the Committee on Municipal and County Government.

By Mr. Sawyer of Concord, House Bill No. 72, An act relating to a state bird. To the Committee on Judiciary.

By Mr. Holden of Hanover, House Bill No. 73, An act relative to motor vehicle accidents. To the Committee on Transportation.

By Mr. Forbes of Marlow, House Bill No. 74, An act relative to field trials for dogs. To the Committee on Fisheries and Game.

By Mr. Fuller of Hanover, House Bill No. 75, An act regulating the height of vehicles carrying lumber, logs and timber. To the Committee on Transportation.

By Mr. Hinman of Stratford, House Bill No. 76, An act relative to annual reports of certain county officers. To the Committee on Municipal and County Government.

By Mr. Pickett of Keene, House Bill No. 77, An act relative to revocation of the city manager law by a city. To the Committee on Municipal and County Government.

By Mr. Holden of Hanover, House Bill No. 78, An act relating to the powers of the village precinct of Hanover to install parking meters. To the Committee on Judiciary.

By Mr. Pickett of Keene, House Bill No. 79, An act to revise the charter of the city of Keene. To the Special Committee consisting of the delegation from the city of Keene.

By Mr. Scamman of Stratham, House Bill No. 80, An act relating to the Rockingham County Superior Court. To the Committee on Judiciary.

By Mr. Holden of Hanover, House Bill No. 81, An act relative to privileged communications from prisoners of state prison. To the Committee on Public Welfare and State Institutions.

By Mr. Dort of Chesterfield, House Bill No. 82, An act relating to penalty in registration of saw mills and brush disposal. To the Committee on Forestry and Recreation.

By Mr. Cartier of Rochester, House Bill No. 83, An act providing for the establishment of a police commission in the city of Rochester. To the Special Committee consisting of the delegation from the city of Rochester.

By Mr. Gouin of Dover, House Bill No. 84, An act relative to pensions for school teachers in the city of Dover. To the Special Committee consisting of the delegation from the city of Dover. .

By Mr. Anderson of Warren, House Bill No. 85, An act providing that town appropriations for white pine blister rust may be optional. To the Committee on Forestry and Recreation.

By Mr. Eggleston of Canaan, House Bill No. 86, An act repealing the provision whereby conservation officers may accept fines in the field. To the Committee on Fisheries and Game.

By the Committee on Rules, House Bill No. 87, An act relating to the establishment of a civil defense agency. To the Joint Committee on Judiciary and Military and Veterans' Affairs.

By Mr. Laraba of Portsmouth, House Bill No. 88, An act relating to the penalty for embezzlement. To the Committee on Judiciary.

By Mr. Spaulding of Hudson, House Joint Resolution No. 1, Joint resolution to investigate, study and report on all phases of the so-called Cote Case.

The joint resolution was read a first and second time, and referred to the Committee on Executive Department.

Mr. Spaulding of Hudson offered the following resolution:

*Resolved*, That the order whereby House Joint Resolution No. 1, was referred to the Committee on Executive Departments be vacated and that House Joint Resolution No. 1 be referred to a special committee of seven members, the members being the Speaker, the sponsor of House Joint Resolution No. 1, and the sponsors of any other resolutions containing the same or similar subject matter now pending; and the remaining members of the committee shall be appointed by the Speaker.

*It is Further Resolved*, That the Rules of the House be so far suspended as to dispense with public hearings by this special committee and the committee is instructed to attempt to reconcile any conflicts between this resolution and any other of like or similar nature and to bring in its report not later than Tuesday, January 18, 1949.

The Committee shall consist of:

The Speaker, Messrs. Spaulding of Hudson, Turner of Keene, Pillsbury of Manchester, Pickett of Keene, Sullivan of Manchester, Ward 6, and Moffat of Berlin.

The question being on the resolution.

(Discussion ensued)

Messrs. Turner and Pickett of Keene spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

By Mrs. Greene of Concord, House Joint Resolution No. 2, Joint resolution in favor of Massachusetts Mutual Life Insurance Company and New England Life Insurance Company.

Read a first and second time, and referred to the Committee on Appropriations.

By Mr. Jones of Lebanon, Joint Resolution No. 2, extending the authority of the committee to investigation of tax exemption laws.

Read a first and second time and referred to the Committee on Ways and Means.

### Concurrent Resolution

Mr. Holden of Hanover offered the following resolution:

*Resolved*, By the House of Representatives, the Senate concurring, that successively, as soon as enough public laws are enacted to make sixteen pages in the Session Laws of New Hampshire, the Secretary of State is instructed to have them set in type for said laws and, as directed by the President of the Senate and the Speaker of the House, the Clerk of the House shall secure printed copies of said successive sixteen page sets of public laws and send copies of them to the Governor, members of the Superior and Supreme Courts, the Attorney General, the State Library, town and city clerks, municipal court justices, county solicitors and others.

The resolution was referred to the Committee on Appropriations.

### Resolution

Mr. Turner of Keene offered the following resolution:

*Resolved*, That in recognition of the dignity of our position as members of the General Court of this state, there shall be no smoking during the proceedings of the House.

On a *viva voce* vote the negative appeared to prevail.

Mr. Pillsbury of Manchester asked for a division.

A division being had, 126 members having voted in the affirmative and 180 members having voted in the negative, the resolution did not prevail.



### Special Orders

Mr. Turner of Keene called for the Special Orders:

Concurrent resolution to provide for a legislative investigation of the award and administration of state construction contracts with the Standard Construction Company and others.

Concurrent resolution relating to an investigation of the laws pertaining to the appropriation and expenditures of state funds.

Mr. Turner of Keene moved that the first concurrent resolution be referred to the Special Committee.

On a *viva voce* vote the motion was adopted.

Mr. Pickett of Keene moved that the second concurrent resolution be referred to the Special Committee.

On a *viva voce* vote the motion was adopted.

On motion of Mr. Wadleigh of Milford the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

On motion of Mr. Fuller of Hanover at 11:45 o'clock the House adjourned.

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THURSDAY, JANUARY 13, 1949

The House met according to adjournment.

Prayer was offered by Rev. Austin Reed of Goffstown.

### Leaves of Absence

Messrs. Malloy of Gorham, Carr of Northfield and Doonan of Greenville, were granted leaves of absence for the day on account of important business.

### Introduction of Bills

The following bills and joint resolutions were severally read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Fernald of Rochester, House Bill No. 89, An act providing temporary open season for taking pickerel.

Read a first and second time, laid upon the table to be printed, and referred to the Committee on Fisheries and Game.

Mr. Fernald of Rochester moved that the rules be suspended, printing of the bill and its reference to a committee be dispensed with.

The question being on the motion.

(Discussion ensued)

Mr. Fernald of Rochester spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mr. Fernald of Rochester moved that the rules be further suspended, and the bill be put on its third reading, by title, and passed at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed, and sent to the Senate for concurrence.

By Mrs. Miller of Fitzwilliam, House Bill No. 90, An act relating to load limitations of motor vehicles. To the Committee on Transportation.

By Mr. Elliott of Milford, House Bill No. 91, An act relating to the gross weight of motor vehicles. To the Committee on Transportation.

By Mr. Philbrick of Rye, House Bill No. 92, An act validating bonds issued by Wallis Sands, Rye North Beach and Foss Beach District, and changing the name of the district to Rye Water District. To the Committee on Judiciary.

By Mr. Angus of Claremont, House Bill No. 93, An act relative to unemployment compensation. To the Committee on Labor.

By Mr. Gouin of Dover, House Bill No. 94, An act relative to office hours for county offices. To the Committee on Municipal and County Government.

By Mr. Angus of Claremont, House Bill No. 95, An act relative to the water resources board. To the Committee on Executive Department and Administration.

By Mr. Lea of Pembroke, House Bill No. 96, An act relating to interest delinquent taxes. To the Committee on Judiciary.

By Mr. Kazakis of Manchester, House Bill No. 97, An act relating to increase of benefits of unemployment compensation. To the Committee on Labor.

By the Committee on Rules, House Bill No. 98, An act providing for the classification of certain surface waters. To the Committee on Public Health.

By Mr. Nawn of Concord, House Bill No. 99, An act to increase the salaries of the assessors of the city of Concord. To the Special Committee consisting of the delegation from the city of Concord.

By Mr. Myhaver of Peterborough, House Bill No. 100, An act relating to a road use tax on certain out of state vehicles. To the Committee on Transportation.

By Mr. Spaulding of Hudson, House Joint Resolution No. 1, Joint resolution to investigate, study and report on all phases of the so-called Cote Case. To the Committee on Executive Department and Administration.

By Mrs. Greene of Concord, House Joint Resolution No. 2, Joint resolution in favor of Massachusetts Mutual Life Insurance Company and New England Mutual Life Insurance Company. To the Committee on Appropriations.

By Mr. Jones of Lebanon, House Joint Resolution No. 3, Joint resolution extending the authority of the committee to investigate tax exemption laws. To the Committee on Ways and Means.

By Mr. Gagnon of Manchester, House Joint Resolution No. 4, Joint resolution relative to investigation of county affairs of Hillsborough county. To the Special Committee consisting of the delegation from the county of Hillsborough.

By Mr. Cartier of Rochester, House Joint Resolution No. 5, Joint resolution providing for the erection of a retaining wall along the Cocheco river in Rochester. To the Committee on Public Works.

### **Tellers Appointed**

The Speaker appointed as Tellers:

Mr. Johnson of Northwood—Division 1,

Mr. Pickett of Keene—Division 2,

Mr. Wadleigh of Milford—Division 3,

Mr. Holden of Hanover—Division 4,

Mr. Hart of Wolfeboro—Division 5.

### Committee Reports

Mr. Tirrell of Goffstown, for the committee appointed to select a Chaplain, reported that the committee had performed its duty and recommended the appointment of Rev. Austin H. Reed of Goffstown as Chaplain of the House and offered the following resolution:

*Be It Resolved*, That this House, recognizing the important contributions made by the several religious denominations to the spiritual life of the State of New Hampshire, instruct the Speaker that he shall, from time to time, upon application by any member, issue invitation to leaders of other denominations to lead the daily devotions of the House.

The question being on the report.

(Discussion ensued)

Messrs. Tirrell of Goffstown, Pillsbury of Manchester and Barry of Walton spoke in favor of the report.

On a *viva voce* vote the report was accepted.

The question being on the resolution.

On a *viva voce* vote the resolution was adopted.

Mr. Laraba of Portsmouth offered the following report:

The Committee on Assignment of Committee Rooms has been forwarded a request for the use of other quarters for the Committee on Agriculture and the Committee on Public Welfare and Institutions other than the ladies' lounge in the basement.

The Committee, therefore, is happy to report that it has procured space in the State Armory, located in the rear of the city hall, as the meeting place for these two committees, effective Tuesday, January 18th.

On a *viva voce* vote the report was accepted.

Mr. Sanborn of Wakefield moved that the House extend a rising vote of thanks to Rev. Austin H. Reed of Goffstown.

The motion was unanimously adopted by a rising vote.

### Resolution

Mr. Laraba of Portsmouth offered the following resolution:

*Resolved*, That the Clerk be instructed to procure the usual number of printed copies of the Inaugural Address of his Excellency, the Governor.

On a *viva voce* vote the resolution was adopted.

### Senate Message

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 89, An act providing temporary open season for taking pickerel.

Mr. Wadleigh of Milford offered the following resolution:

*Resolved*, That the Clerk be instructed to procure five bill-binders for each member of the Committees on Appropriations, Judiciary and Ways and Means, and for each chairman and clerk of the other committees.

On a *viva voce* vote the resolution was adopted.

### Appointments

The Clerk, with the advice of the Speaker, announced the following appointments:

Speaker's Stenographer, Mrs. Esther T. Hurd.

Stenographer for Judiciary Committee, Mrs. Helen Andrews.

Stenographer for Appropriations Committee, Mrs. Eleanor Brown.

House Stenographers, Mrs. Alice V. Flanders, Mrs. Margaret L. Ford, Mrs. Helene Wester.

Mileage Clerk, Miss Alice Boutwell.

Messenger for Judiciary Committee, Palmer Reed.

Messenger for Appropriations Committee, Eugene Williams.

### Resignation of Page

The Chair announced the appointment of H. Furber Jewett of Wolfeboro as a division page in place of Carl D. Hayes who has submitted his resignation.

**Resolution**

Mr. Wadleigh of Milford offered the following resolution:

*Resolved*, That the rules of the House be so far suspended that business in order this afternoon be in order at the present time.

On a *viva voce* vote the resolution was adopted.

Mr. Johnson of Northwood moved that when we adjourn today it be to adjourn until Tuesday, January 18 at 11:00 o'clock.

On motion of Mr. Hamilton of Lisbon at 11:40 o'clock the House adjourned.

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TUESDAY, JANUARY 18, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

**Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate will be ready to meet the House of Representatives in the passage of the following concurrent resolution:

*Resolved*, That the Senate will be ready to meet the House of Representatives in joint convention, as suggested by the House message, for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make.

**Recess****After Recess****Joint Convention**

Pursuant to a concurrent resolution, adopted by both branches, His Excellency, the Governor, attended by the Honorable Council, appeared and delivered the following message:

## BUDGET MESSAGE

By His Excellency

GOVERNOR SHERMAN ADAMS

To the General Court, January 18, 1949

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*Mr. Speaker, Mr. President, Members of the General Court:*

Financial instability is as great a menace to free government as subversion. More free governments in modern times have perished from shipwreck upon the rocks of financial chaos than from any other fate. Financial insecurity is usually the prelude to political unsteadiness and the wedge which, too often opens the whole system of representative government for the entrance of corruption and subversive doctrines.

This danger is, of course, more imminent in our national government than in the State of New Hampshire. As the stability of New Hampshire depends upon the soundness of its counties, towns, and municipalities, so the stability of national government depends upon the solvency of this State and of all the States in the Union.

A government is free only to the extent that its Legislature, without any coercion or restraint, is able to decide what activities it should undertake and to provide for the money necessary to finance them. Freedom in representative government and bankruptcy are wholly incompatible, for insolvency implies some sort of trusteeship and the responsibility of trustees is to conserve rather than to perform and to accomplish acts which are in the public interest.

In New Hampshire, we have a free government and it is still financially a sound government. It will continue to be sound because you will arrange to keep it that way. That is a responsibility entrusted both to you and to me. It is clearly my obligation, under the law, to report to you a plan whereby the expenditures of this government, for the two fiscal years next ensuing, may be provided for and to lay before you a statement of the condition of the public treasury; to apprise you concerning the public debt, and to submit to you recommendations of appropriations which you should make to meet the expenses of the departments of the government during this biennium. It is my further obligation to lay before you an estimate of the

revenue which the State may expect to receive during this period, and if such revenue is insufficient to meet the demands upon the public treasury, to recommend to you the means by which such deficit shall be met.

The law requires the administration to invite the Governor-Elect to be present at the hearings upon the requests of the several departments for appropriations. With the complete co-operation of the previous Governor, I was able to participate in the conduct of these hearings and to conduct a reasonably complete inquiry into the financial needs of the departments. The departmental requests presented amounted to \$35,873,292.15 which, after careful consideration, I recommend be reduced to \$33,380,243.33. In my opinion, these agencies will be able to maintain the services provided by law with the adjustments I have suggested. These adjustments were reached only after long hearings and subsequent conferences with those responsible for administering the various activities. It should be called to your attention, however, that these recommendations cannot be considered wholly conclusive. Inevitably, I could not hear all the evidence, nor properly weigh every item. Unquestionably, there are further adjustments which you will decide to make. However, the need for eliminating unnecessary expenditures is now so urgent that I am sure you will agree that an even more careful survey of these expenses than I have been able to make is a necessity. The results of such an inquiry may yield even greater opportunities for reductions than I have been able to find.

The need for reductions becomes more apparent with a comparison of the estimated income and expenditures during the next two years. For the fiscal year ending June 30, 1950, expenditures are estimated to be \$16,438,534.81 and the revenues available to meet these expenditures are expected to be \$11,747,644.56. For the year ending June 30, 1951, the estimated expenditures are \$16,941,708.52 and present sources of revenue are expected to yield \$11,548,891.81. These expenditures do not include, of course, those departments with restricted income and balances, nor expenditures in the Highway Department which at present is, in effect, an independent agency with self-sustaining revenues. Thus, without the use of present reserves, the excess of expenditures over income, during the biennium, is now estimated to be approximately \$10,083,067.00.



### Sinking Funds

It has been the custom for the Legislature to balance the budget by authorizing a transfer from the Sinking Fund to the General Fund of an amount sufficient to provide the cash necessary to meet current expenses of this government. At the end of the last fiscal year, June 30, 1948, there was in the Sinking Fund, a balance of \$2,449,502.63. At the end of the current fiscal year, after the transfer to the General Fund of \$6,750,000.00, authorized by the Legislature of 1947, there is expected to be a balance of \$1,013,519.63. Based upon expected revenues during the first year of the biennium, there will be available for transfer to the General Fund, an estimated \$5,254,282.88 which would leave nothing in the Fund as of July 1, 1950, and which would be insufficient to provide for the expenditures of this government upon present estimates at least by an amount of \$1,600,012.00. During the second year of the biennium, eliminating the possibility of any surplus carry over, there will be available for transfer to the General Fund an estimated \$3,997,574.50 which will be insufficient to meet the expenditures of this government by at least an amount of \$4,800,683.51. If this estimate is correct, there would obviously be no surplus carry over in the fund whatever on July 1, 1951.

In anticipating the future condition of the Sinking Fund, an appraisal of its present and future revenues is most important. Revenues credited to the Sinking Fund are derived largely from two sources; taxes and breakage derived from racing, and license fees and the profit on sales of alcoholic beverages. The income from these sources is expected to decline somewhat while the income from all other sources accruing to the credit of the Sinking Fund will remain, for the most part, reasonably stable. Income from racing is expected to decline from a net of \$2,510,654.00 during this fiscal year to an expected \$1,800,000.00 in each year of the next biennium. The profit on the sales of alcoholic beverages and the revenue from beer taxes and licenses are expected to decline from an estimated \$3,220,000.00 during this fiscal year to an estimated \$2,900,000.00 during each year of the following biennium. The total income which will be credited to the Sinking Fund is thus expected to decline from an estimated \$6,114,481.00 during this fiscal year to approximately \$5,031,990.00 in each year of the ensuing biennium.

### General Fund

The balance in the General Fund account from which the bills of the State are paid amounted to \$1,431,319.22 at the end of the last fiscal year. Based upon the transfers from the Sinking Fund during this fiscal year, and with estimated expenditures of \$15,813,695.06, the balance in the General Fund at the beginning of the next fiscal year is expected to be \$1,480,387.74. After transferring from the Sinking Fund its entire balances and revenues, and estimating revenues of \$7,506,861.31 which will be added to the General Fund during the first year of the biennium, new revenue amounting to \$1,600,012.00 will be necessary to pay the bills of this government. Similarly, with respect to the second year of the biennium, transferring from the Sinking Fund all of its income with the revenues added to the General Fund in that year, amounting to \$7,551,317.31, new revenue amounting to \$4,800,683.51 will be necessary to meet the bills during this year, making a total new revenue for the biennium of \$6,400,695.51.

Any reductions which you are able to make in the appropriations I have recommended will, of course, decrease the amount of needed revenue. Any amount you add to these appropriations, and any new measures you adopt requiring new appropriations will add to the need for revenue.

### Sources of New Revenue

A source of new revenue has already been suggested in my message on January 6. Apparently, you will need to provide for raising between \$3,000,000.00 and \$4,000,000.00 from new sources. I have recommended that you give a consideration to a tax upon gross income levied severally upon individuals, merchants, and manufacturers, at rates proportional to the income resulting from the total receipts of money in each classification. Rates can be very low and the yield from such a mode of taxation will easily be sufficient to meet the needs of the State both now and in the foreseeable future. It is my understanding that at the rate of one quarter of one per cent on the gross income of manufacturers, farmers, wholesalers and display advertising; one-half of one per cent on retailers and servicers, and one per cent on all others, with reasonable exemptions, revenues of \$7,000,000.00 to \$8,000,000.00 can be

expected. The rates should be very carefully considered. It is almost a self-evident truth that government, sooner or later, spends all the money it can get. Resourceful and inventive are the minds of legislators in discovering new and pressing public needs to absorb such surplus funds as a government is fortunate enough to accumulate. The stock-in-trade tax ought to be abolished and some provision made for the return to towns to avoid undue hardship. This tax

- (1) Cannot be fairly levied.
- (2) Falls unevenly upon various classes of manufacturers.
- (3) Raises a competitive obstacle to our manufacturers and
- (4) In the valuation of inventories, is subject to wide abuses.

It is not a pleasant task to recommend new taxation. There are no joys in levying taxes any more than there is delight in paying them. Before any tax bill is finally decided upon, particularly as to rates, we ought to exhaust the means of reducing the expenses of this government. The real essence of economy is the elimination of waste in the expenditure of money and in the abandonment of activities not essential to the welfare of the people of New Hampshire. Decisions involving the rescission of the activities of State agencies require the exercise of good judgment and extraordinary fortitude. The results of your efforts in this direction will of necessity be limited because the general services of this government are now so firmly imbedded in the social pattern of the people of this state that they will not be easily surrendered.

### **Federal Funds and Their Origins**

In an appraisal of the money which the people of New Hampshire spend for State Government, it should be remembered that federal funds are now being expended in the operation of various State agencies in an amount approximating six and a half millions a year. These expenditures are largely in the fields of Agriculture, Education, Public Health and Welfare, Fish and Game, Forestry, and sharply increasing federal expenditures in the Adjutant General's Department. Substantially all of the federal funds available to the state are currently being used. Federal grants-in-aid have been steadily increasing and while the State, along with all others, ought to be careful to retain its prerogatives and its autonomy, there

is nothing to be gained in this day and age by an arbitrary refusal to utilize money, most of which we are furnishing anyway through federal taxes.

### State Debt

At the end of the last fiscal year, the State had a bonded indebtedness of \$12,380,000.00, an increase of \$4,015,000.00 over the previous year. The net debt, which is the total of outstanding bonded indebtedness diminished by cash and inventories, amounted on this date to \$4,048,037.00. The increase in the bonded indebtedness during the fiscal year ended June 30, 1948, was occasioned largely by the University of New Hampshire building program and War Service Recognition obligations. Of the total bonded indebtedness, as of June 30, 1948, amounting to \$12,380,000.00, the University of New Hampshire will retire \$2,375,000.00 from income from the millage tax; the Highway Department will retire \$4,200,000.00 out of funds which will be available from the Highway Sinking Fund; the toll bridge sinking funds will provide for the retirement of an additional \$1,070,000.00 and the income accruing to the Cannon and Sunapee Tramways should provide for the retirement of \$370,000.00. There is thus provided from special funds the retirement of \$8,015,000.00 of outstanding bonds, leaving \$4,365,000.00 to be retired from the General Sinking Fund.

This indebtedness is not dangerous to the credit of the State of New Hampshire. Provided the Legislature makes available stable sources of income, bonded indebtedness could probably rise considerably without impairing the credit of the State.

However, increased bonded indebtedness has already been authorized in prior Legislatures to the amount of \$18,606,951.00. If these bonds were now issued, there would be very definite danger signals set against any further inflation of the credit of this State. As a matter of fact, however, a good deal of this indebtedness presumably will not need to be created. It is doubtful, for instance, if \$3,375,000.00, to finance the Employees Retirement System will be necessary. Over \$2,000,000.00 authorized for financing of capital improvements will require renewal by this Legislature. Recreational facilities amounting to \$500,000.00 are at the discretion of the Governor and Council. An issue of \$300,000.00 for improve-

ments in the Fish and Game Department will be paid from revenues accruing to the Department. A report covering all bonds authorized but not issued is appended to this report.

At the present time, therefore, neither the outstanding bonded indebtedness nor the amounts required to service and retire this indebtedness constitutes an unbearable burden upon the State. This Legislature ought, however, to examine carefully the schedules of outstanding bonds, their retirement timetable, and the necessity for issuing bonds already authorized before any plans for increasing the indebtedness of this State is adopted.

### **Highway Sinking Fund**

The Highway Sinking Fund provides for the amortization of outstanding highway bonds. At the end of the last fiscal year, June 30, 1948, there was in this fund, a surplus of \$474,940.74. At the end of the first year in the ensuing biennium, this surplus is expected to be \$1,049,815.74 and at the end of the biennium, \$1,666,065.74. In order to provide for a somewhat expanding program of highway capital outlays, I have recommended an increase in the highway bonded indebtedness of approximately \$3,000,000.00, during the next biennium. The Highway Sinking Fund will be able to take care of this increased indebtedness without new sources of revenue. Any further substantial increases in the bonded debt of this department will require additional revenue. The Highway Department is a self-sustaining agency in the sense it operates on income which is set aside for its own particular use. The restriction on the use of these revenues is provided for in the Constitution. At the present time, there is no budget control exercised over expenditures of the Department. It is recommended that the Highway Department present its budget in accordance with the same system prevailing in all State agencies and that its expenditures be subject to Legislative approval. I recommend a change be made in the law regarding the use of Town Road Aid Funds to provide that any town which raises its share of money in the State Aid construction program shall be eligible as well for Town Road Aid assistance.

### **Unemployment Compensation Benefits**

A substantial increase in the case load of Unemployment Compensation administration may be expected during the

biennium. It is already being felt. The funds available for benefits are fortunately ample due to the conservative policies you have adopted in other years. A moderate increase in certain of the benefits under this program is warranted and I recommend that the benefit schedules in the Act be amended pursuant to legislation which will shortly be introduced.

### **Education**

A bill has been filed providing for increased participation by the State in a retirement program for our teachers. I approve of the State assuming its fair share of expense under this program. I urge, however, that the weight of expense be taken up gradually until the treasury has been sufficiently replenished to assume the burden of this and other worthwhile increases in our educational program.

I have recommended a slight reduction in the program providing for state aid to local school districts. The use of these funds should be subject to careful audit. Furthermore, it ought to be kept in mind that the increased participation by the State in the teachers retirement program acts as a further subsidy to local educational standards.

### **Salary Increases**

In accordance with my previous announcement, the special committee on employees classification and salaries has commenced its work. No special legislation with regard to salaries will be necessary if a satisfactory agreement results from the recommendation of the special committee and the Classification Board adopts this recommendation. There are powers already delegated by the Legislature to the Classification Board sufficient to make effective any decision regarding wages and salaries providing, of course, the Legislature appropriates the money.

In order to bring about a system of job evaluation and classification which fully meets the needs of the State, certain changes in the Classification System will probably be required. Legislation providing for such changes will be seasonably submitted.

### **Capital Improvements**

The extent of needed capital improvements at our State institutions will shortly be ascertained. I have already suggested that you conduct an inquiry into the future of the

Sanitorium at Glenclyff. Certain capital improvements are badly needed, not only here but in other of our institutions. The liquor warehouse project has been thoroughly debauched and it will take a rather substantial sum to provide for the needs of this department. A further report to you concerning my recommendations for capital budget expenditures will shortly be made.

There will be many methods suggestive of the ways and means for putting our financial house in order. The historian Macauley once remarked that American democracy was a great experiment but to make it work would take more collective intelligence than he believed we possessed. No more accurate commentary was ever made and none more appropriate in approaching a solution to our present dilemma. The decision of what the people of New Hampshire need in the continuing services of this government, what elements of those services are essential, what can be dispensed with, and what they ought to cost, will take a high level of intelligence and good judgment.

There will be an interesting variety of propositions submitted to you as sources of revenue. Again, the decision of the most feasible means of raising revenue to defray the expenses of this government will require all the resourcefulness and ingenuity you possess. I am sure you will keep in mind that we must not confound our present financial insecurity with more insecurity. Plato, in 400 B. C., observed that democracy is a charming form of government, but full of disorder. Our financial edifice needs now to be put in order and I look forward to your decisions of the means of settling order once again with great confidence.

On motion of Senator Wiggin, of District No. 14, the Convention rose.

## House

### Leaves of Absence

Mrs. Dondero of Portsmouth was granted a leave of absence for Tuesday, Wednesday, Thursday of this week as she is in Washington attending the President's inauguration.

Mrs. Cooper of Nashua was granted leave of absence until further notice on account of important business.

Mrs. Wild of Jackson was granted leave of absence for the week on account of illness.

Mr. Mullaire of Hooksett was granted leave of absence until further notice on account of illness.

### Communication

The following communication was read by the Speaker:

Hon. Richard F. Upton, Speaker,  
N. H. House of Representatives,  
State House, Concord, N. H.

DEAR MR. UPTON:

Pursuant to Chapter 326, Laws of 1947, the undersigned members of an Interim Commission, established to study and recommend a coordinated program for the more adequate handling of New Hampshire's delinquent children and youthful offenders, has the honor to present, through you, to the General Court, a report and recommendations resulting from its deliberations.

Respectfully submitted,

RAE S. LARABA, Chairman,  
ANN F. PARDY, Clerk,  
THOMAS L. MARBLE,  
ALFRED J. CHRETIEN,  
LEONARD C. HARDWICK.

The report was accepted.

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Laraba of Portsmouth, House Bill No. 101, An act relative to the care and protection of delinquent children and juvenile offenders and to the reduction and prevention of delinquency. To the Committee on Judiciary.

By Mr. Thompson of Effingham, House Bill No. 102, An act relative to taking wild deer in certain counties of the state. To the Committee on Fisheries and Game.

By Mr. Moore of Bradford, House Bill No. 103, An act relating to the taking of wild deer. To the Committee on Fisheries and Game.



By Mr. Stetson of Claremont, House Bill No. 104, An act relative to reduction of the budget for the city of Claremont. To the Special Committee consisting of the delegation from the city of Claremont.

By Mr. Whittier of Bethlehem, House Bill No. 105, An act relating to the taking of beaver. To the Committee on Fisheries and Game.

By Mr. Savory of Warner, House Bill No. 106, An act relating to the reversion to towns of certain rights of way. To the Committee on Public Works.

By Mr. Dusik of Lyman, House Bill No. 107, An act relating to shooting human beings while hunting. To the Committee on Fisheries and Game.

By Mr. Moore of Bradford, House Bill No. 108, An act changing the name of Todd pond in the towns of Newbury and Bradford. To the Committee on Forestry and Recreation.

By Mr. Moore of Bradford, House Bill No. 109, An act relating to damage by beavers. To the Committee on Fisheries and Game.

By Mr. Savory of Warner, House Bill No. 110, An act relating to the discontinuance of certain classes of highways. To the Committee on Public Works.

By Mr. Sawyer of Manchester, House Bill No. 111, An act relative to control of air pollution. To the Committee on Judiciary.

By Mr. Turner of Keene, House Bill No. 112, An act providing for the settlement of disputes respecting the domicile of decedents for death tax purposes. To the Committee on Judiciary.

By Mr. Sawyer of Manchester, House Bill No. 113, An act relating to the surveyor of the city of Manchester. To the Special Committee consisting of the delegation from Manchester.

By Mr. Nawn of Concord, House Bill No. 114, An act relative to retirement benefits under the Firemen's Retirement System. To the Executive Department and Administration.

By Mr. Simms of Claremont, House Bill No. 115, An act relative to rules and regulations for merit system for employees of the city of Claremont. To the Special Committee consisting of the delegation from Claremont.

By Mr. Simms of Claremont, House Bill No. 116; An act relative to administrative code for the city of Claremont. To the Special Committee consisting of the delegation from Claremont.

By Mr. Moffett of Berlin, House Bill No. 117, An act increasing the salaries of the commissioners of Coos county. To the Special Committee consisting of the delegation from Coos county.

By Mr. Thompson of Laconia, House Bill No. 118, An act relating to cemetery records. To the Executive Department and Administration.

By Mr. Zopf of Claremont, House Bill No. 119, An act authorizing the city of Claremont to issue refunding bonds and validating outstanding bonds and notes. To the Special Committee consisting of the delegation from the city of Claremont.

By Mr. Wadleigh of Milford, House Bill No. 120, An act relating to investments of trustees. To the Committee on Judiciary.

By Mr. Baron of Claremont, House Bill No. 121, An act relative to finances of the city of Claremont, To the Special Committee consisting of the delegation from the city of Claremont.

By Mr. Angus of Claremont, House Bill No. 122, An act providing for fire commission for the city of Claremont. To the Special Committee consisting of the delegation from the city of Claremont.

By Mr. Baron of Claremont, House Bill No. 123, An act relative to powers and duties of Claremont city manager. To the Special Committee consisting of the delegation from the city of Claremont.

By Mr. Stetson of Claremont, House Bill No. 124, An act relative to administration officers of the city of Claremont. To the Special Committee consisting of the delegation from the city of Claremont.

By Mr. Baron of Claremont, House Bill No. 125, An act relating to removal of manager of city of Claremont. To the Special Committee consisting of the delegation from the city of Claremont.

By Mr. Simms of Claremont, House Bill No. 126, An act relative to compensation of councilmen of the city of Claremont. To the Special Committee consisting of the delegation from the city of Claremont.

By Mr. Simms of Claremont, House Bill No. 127, An act relative to budget procedure in the city of Claremont. To the Special Committee consisting of the delegation from the city of Claremont.

By Mr. Fernald of Rochester, House Bill No. 128, An act relative to an additional appropriation for the Fish and Game Department for an extended program of propagation. To the Committee on Fisheries and Game.

By the Rules Committee, House Bill No. 129, An act relative to charitable trusts. To the Committee on Judiciary.

By Mr. Moore of Bradford, House Bill No. 130, An act relating to taking hares and rabbits. To the Committee on Fisheries and Game.

By the Rules Committee, House Bill No. 131, An act relating to appointment and terms of the members of the Commission on Interstate Cooperation. To the Committee on Executive Department and Administration.

### Committee Reports

Mr. Greene of Rollinsford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 6, An act repealing provisions as to the election of assessors in towns, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 41, An act relating to the examination of saw mills by the state forester or his authorized agents, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 42, An act relating to expenses of the state forester in reforestation

plans, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

The Committee on Judiciary, to whom was referred House Bill No. 2, An act relative to compensation of jurors for expenses, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Grand and Petit Jurors, Talesmen.* Amend section 26 of Chapter 375 of the Revised Laws, as amended by Chapters 117 and 200 of the Laws of 1947 by striking out said section and inserting in place thereof the following: 26. *Compensation.* Grand and petit jurors shall be paid by the county for each day or part of a day which is spent in actual attendance at court, five dollars each; for travel to and from court each day, each mile six cents; for each day in actual attendance at court, one dollar for expenses; talesmen shall receive compensation and allowances for travel and expenses in the same manner and amount as grand and petit jurors.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

The Committee on Judiciary, to whom was referred House Bill No. 13, An act relative to exemption from jury service, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by adding after the word "statement" in line 6 the words, prior to the convening of court, so that said section as amended shall read as follows:

1. *Jurors.* Amend Chapter 375 of the Revised Laws by adding after Section 27 the following new section: 28. *Exemption.* If any person of the age of 70 years or over is selected as a juror he may at his discretion file with the court a written statement prior to the convening of court to the effect that he does not wish to act as a juror and he shall be discharged and another juror may be drawn in his stead.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:

House Bill No. 89, An act providing temporary open season for taking pickerel.

The report was accepted.

### Special Committee Report

The Special Committee to consider the various resolutions to investigate state contracts, having considered House Joint Resolution No. 1, and the two concurrent resolutions referred to it, submits the following concurrent resolution and recommends its passage.

RICHARD F. UPTON  
GARDNER C. TURNER  
NED SPAULDING  
JOHN PILLSBURY

The following members of the committee agree with all sections of the concurrent resolution except Section 2 relating to the political membership of the same and recommend that both parties have equal representation on the joint committee rather than the six—four division in favor of the majority party as recommended in the resolution.

HENRY T. SULLIVAN  
LAURENCE M. PICKETT  
HENRY M. MOFFETT

Concurrent resolution to provide for a legislative study, investigation and report of the award and administration of state construction contracts with the Standard Construction Company and others.

*Resolved by the House of Representatives, the Senate concurring:*

1. *Investigation.* There is hereby established a bipartisan joint committee consisting of seven members of the House of Representatives and three members of the Senate. The joint committee is authorized and directed, acting as a whole or by subcommittee, (a) to investigate all phases of the award and administration of state construction contracts with the Standard Construction Company and all affiliated and associated companies or persons, contractors and subcontractors; (b) to investigate the conduct of all present and past state officers and employees in connection with the award

and administration of said contracts and the expenditure of funds therefor; (c) to review the steps already taken by the executive departments of the state in the investigation of the above-mentioned affairs and to determine the probable cost of completing such investigation and all necessary litigation arising out of the same; (d) to investigate such other matters of a similar or related nature in any state department as may be brought to the attention of the joint committee; (e) and to report its findings, conclusions and recommendations for remedial legislation or other suitable legislative action to both branches as soon as reasonably possible during the present session. The joint committee may submit interim reports from time to time. A majority of the whole joint committee or of any authorized subcommittee shall be a quorum thereof, and oaths may be administered as provided in Section 14, Chapter 9, Revised Laws, whether a quorum is present or not. A vacancy in the committee shall not affect the powers of the remaining members of the committee.

2. *Appointment.* The Speaker of the House of Representatives, with the advice and consent of the House Committee on Rules, shall appoint four members of the majority party and three members of the minority party, and the President of the Senate, with the advice and consent of the Senate Committee on Rules, shall appoint two members of the majority party and one member of the minority party to said committee. The chairman and vice chairman of the joint committee shall be appointed jointly by the President of the Senate and the Speaker of the House, and the Clerk of the joint committee shall be chosen by the committee. Vacancies shall be filled in the same manner as the original appointments.

3. *Powers.* The joint committee shall have the power to issue subpoenas to compel the attendance of persons for testimony and the production of documents, books and papers before it. All subpoenas shall be issued under the hands of the President of the Senate and the Speaker of the House and attested by the Clerk of the joint committee and shall be served by the Sergeant-at-Arms of the House or the Senate or any other person authorized by the committee. The committee may employ counsel and technical, stenographic and other assistants subject to the joint approval of the President and the Speaker. The committee may hold sessions during adjourn-

ments of the General Court. The committee shall have the power to take testimony by deposition under such rules and regulations as it may adopt. The committee shall have the power to utilize the services, information, facilities and personnel of all departments and agencies of the state and may require the compilation and information or the attendance of any state officer or employee at its hearings to present information and recommendations.

4. *Expenditures.* The expenditures of the joint committee shall be a charge upon the legislative appropriation, subject to the joint supervision the President and the Speaker. Members of the committee shall be allowed their necessary expenses if required to travel outside Concord on committee business. The committee is enjoined to conduct its investigation in the most economical manner possible, consistent with determination of the relevant facts, due consideration being given and proper use being made of all available data already compiled and assembled by other state officers, agents and employees.

5. *Procedure.* All testimony taken by the committee shall be under oath. The constitutional privilege against self-incrimination shall apply to testimony before the committee. All witnesses called before the committee shall have the right to counsel to advise them and shall be informed of such right before examination commences. Hearings may be public or private as the committee may determine. No person shall examine or cross-examine any witness other than members of the committee, its staff, and counsel for the witness, except by leave of the committee. The committee shall hear all pertinent evidence that may be offered including such voluntary witnesses as may appear. Subject to the supervision of the committee, any person against whom derogatory testimony or other evidence has been submitted may himself or by counsel cross-examine the witness submitting such evidence or may call other witnesses or produce documentary evidence before the committee to refute or explain such testimony or other evidence, and for this purpose the committee shall allow him the right of subpoena, if necessary. The committee shall keep a verbatim record of its proceedings, which record need not be transcribed except as the committee may direct.

6. *Expiration.* The joint committee and its powers shall expire upon the submission of its final report and, in any event, upon the prorogation of the General Court, but may be extended by concurrent resolution.

The question being on the concurrent resolution.

(Discussion ensued)

Mr. Sullivan of Manchester offered the following motion:

I move that the concurrent resolution be re-committed to the Special Committee with instructions to amend the resolution to provide for equal representation by both political parties on the joint committee.

The question being on the motion of Mr. Sullivan.

(Discussion ensued)

Mr. Sullivan of Manchester spoke for the motion.

Messrs. Turner of Keene and Spaulding of Hudson spoke against the motion.

On a *viva voce* vote the motion of Mr. Sullivan was not adopted.

The question being on the concurrent resolution offered by the Special Committee.

On a *viva voce* vote the resolution was adopted.

### Resolution

Mr. Gouin of Dover offered the following resolution:

*Be It Resolved*, That we, the members of the House of Representatives of the State of New Hampshire, in session on this eighteenth day of January, we do hereby adopt the following resolution:

*Whereas*, on Thursday, January twentieth, Harry S. Truman will be installed as the President of the United States, we, the members of this legislative body, send best wishes for good health and happiness, and for a successful administration for all the people of the United States. May God guide and direct him. This is our greetings to the Commander and Chief of our Nation.

On a *viva voce* vote the resolution was adopted.



### Indefinitely Postponed

Mr. Spaulding of Hudson moved that House Joint Resolution No. 1, Joint resolution to investigate, study and report all phases of the so-called Cote case, subject matter covered by concurrent resolution reported by the Special Committee, be indefinitely postponed.

On a *viva voce* vote the resolution was adopted.

### Resolutions

Mr. Daniels of Manchester, Ward 3, offered the following resolution:

*Resolved*, That the following members of the House of Representatives from Manchester request the Speaker for permission to invite Father N. J. Gilbert of St. John the Baptist Church of Manchester to lead the daily devotions of the House either Wednesday, January 19 or Thursday, January 20:

David J. Barry, Wilton, Marion Corliss, Joel Daniels, William Kennedy, Harry Danforth, Joseph H. Geisel, John Pillsbury, Ray S. Sawyer, Walter B. Connor, Michael Dwyer, John Sweeney, Louis Martel, William Fitzgerald, Thomas Nolan, Dominick J. Kean, Stanley Betley, Alexander Kazakis, John C. O'Brien, John Shea, John Malatras, Jeremiah B. Healy, Henry Sullivan, Denis F. Casey, Edward J. Cavanaugh, Joseph Ecker, Daniel Healy, Michael Sullivan, Robert O'Connor, Charles Leclerc, Francis Heroux, Francis Downey, Eugene Delisle, John J. Kane, Peter Roy, Emile Simard, Fred Cary, Henry Gagnon, George Auger, Isabell McPhail, Oscar E. Getz, Joseph Roukey, John McShea, John Roche, Ernest April, George Laflamme, Amelia Lareau, Leon Vaillancourt, Rolland Chapdelaine, Paul H. Daniel, Lorenzo P. Gauthier, Arthur E. Thibodeau, Michael S. Donnelly, Michael J. Cannon, Michael P. Wedick, Raoul J. Lalumiere, Thomas B. O'Malley, Marye Walsh Caron, Robert P. Bingham, Augustus Butman, Erwin Cummings, Lyndeborough.

On a *viva voce* vote the resolution was adopted.

Mr. Wadleigh of Milford offered the following resolution:

*Resolved*, That the rules of the House be so far suspended that business in order this afternoon be in order at the present time.

On a *viva voce* vote the resolution was adopted.

**Third Readings**

House Bill No. 2, An act relative to compensation of jurors for expenses.

House Bill No. 6, An act repealing provisions as to the election of assessors in towns.

House Bill No. 13, An act relative to exemption from jury service.

House Bill No. 41, An act relating to the examination of saw mills by the state forester or his authorized agents.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Spiller of New London at 12:20 o'clock the House adjourned.

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WEDNESDAY, JANUARY 19, 1949

The House met according to adjournment.

Prayer was offered by the Rev. N. J. Gilbert of Saint John the Baptist Church, Manchester, N. H., as follows:

Almighty God of love, justice, wisdom and mercy, giver of every best gift, make us deeply conscious of Thy presence in our midst, as we render unto Thee our truest homages of faith and adoration for all that Thou art in Thyself.

Gathered here at this hour to take counsel together, we express our broadest admiration and deepest appreciation for the abundant and unceasing gifts of faith, hope, charity, unselfishness, health, courage, power and success that Thou hast so mercifully and lovingly bestowed upon this Great Nation, and upon this beautiful State of New Hampshire, since the day that Thou hast so wisely inspired and directed the Fathers and Founders of this American Republic.

At this time, may Thine especial blessing rest upon His Excellency, the Governor of our State, upon the Honorable Members of his Council, upon every senator and representative of this legislature, their families and friends: that all may stand forth as true and safe leaders, loyal and faithful citizens, brilliant men who will soundly weather every storm of public

duty and live above any fog of suspicion in each private dealing.

May our souls be made the quiet homes of fervent duty to Thee, O God, and to our fellowmen, Thy creatures.

Give us discerning minds and understanding hearts, that this day forward, by our endeavors, the safety, advancement, honor and welfare of the people of New Hampshire, may be daily assured. Give us new hopes and cares which may supplant our too small concerns.

Grant that we may walk while it is day in the steps of Him, Your Divine Son, Whom Thou has sent to teach and guide us: Jesus, Our Lord and Saviour. Amen.

### Leaves of Absence

Mr. Molloy of Gorham was granted leave of absence until further notice.

Mr. Pillsbury of Manchester was granted leave of absence for Wednesday and Thursday on account of personal business.

Mr. Rowell of Newport was granted leave of absence for the day on account of important business.

### Communication

The following letter was read by the Speaker:

Richard F. Upton,  
Speaker of the House of Representatives,  
Concord, New Hampshire.

DEAR SIR:

The County Officers' Association of New Hampshire, at a recent meeting, discussed the feasibility of a consolidation of county jails in New Hampshire. At the conclusion of its discussion and deliberation it was the opinion of the Association that a consolidation would lend itself toward uniformity and efficiency in the maintenance, care and security of jail prisoners.

In the furtherance of the Association's recommendation, this office was directed to bring the entire issue to the attention of the Speaker of the House with the request that the problem be exhaustively considered by the appropriate legislative committee charged with such responsibility and that legislative action, if necessary, be taken during the present session.

The Association stands ready and willing to render any and all assistance that the legislative committee may desire in the discharge of its office.

Very truly yours,

RAYMOND K. PERKINS, *President,*  
*County Officers' Association of N. H.*

The communication was referred to the Committee on Municipal and County Government.

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Laraba of Portsmouth, House Bill No. 132, An act to repeal Chapter 12 of the Laws of 1830 as amended by Chapter 813 of the Laws of 1848 incorporating the trustees of the Pittsfield Academy. To the Committee on Judiciary.

By Mr. Elwell of Exeter, House Bill No. 133, An act legalizing the school district meeting in the town of Exeter. To the Committee on Judiciary.

By Mr. MacGown of Freedom, House Bill No. 134, An act legalizing certain town meetings in the town of Freedom. To the Committee on Municipal and County Government.

By Mr. Walker of Hinsdale, House Bill No. 135, An act pertaining to jail sentences. To the Committee on Judiciary.

By Mr. Hinman of Stratford, House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made. To the Committee on Judiciary.

By Mr. Ashley of Lebanon, House Bill No. 137, An act relative to reports to supervisors of the checklists. To the Committee on Executive Department and Administration.

By Mr. Spiller of New London, House Bill No. 138, An act relating to licensing certain golf clubs to sell spirits, liquor and beverages. To the Committee on Liquor Laws.

By Mr. Cavanaugh of Manchester, House Bill No. 139, An act relating to interest on small loans. To the Committee on Judiciary.

By Mr. Besse of Concord, House Bill No. 140, An act relative to mineral oil in foods and guaranty to dealer relative to original packages of foods. To the Committee on Public Health.

By Mr. Brown of Laconia, House Bill No. 141, An act relative to suspension or revocation of certificates issued under New Hampshire Aeronautics Act. To the Committee on Aviation.

By Mr. Brown of Laconia, House Bill No. 142, An act relative to zoning regulations for certain privately owned airports. To the Committee on Aviation.

By Mr. Brown of Laconia, House Bill No. 143, An act relating to liens for storage of aircraft. To the Committee on Aviation.

By Mr. Davis of Newton, House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable materials. To the Committee on Transportation.

By Mr. Pickett of Keene, House Bill No. 145, An act relative to travel allowance to members of the General Court. To the Joint Committee on Appropriations and Mileage.

### Resolution

Mr. Pickett of Keene offered the following resolution:

*Resolved*, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

1. Is House Bill No. 145, entitled, "An act relative to travel allowances for members of the General Court," constitutional?

2. Assuming that the provision for payment of \$4.00 for the first mile of travel is in excess of the actual cost of transportation for said first mile, is said bill contrary to the constitution?

3. Is it permissible for the General Court to enact any legislation providing for the payment to members of the General Court of sums of money in excess of the constitutional salary of \$200.00 and the actual cost of transportation in traveling to and from the sessions of the General Court?

4. Does the term "mileage" as used in Article XV, part second of the constitution include the payment of expenses of members of the General Court in addition to such actual cost of transportation?

5. May the General Court determine what sums, in its own judgment, should reasonably be paid as mileage and make its own regulations for the payment of the same?

*Further Resolved*, That the Speaker of the House transmit a copy of this resolution and of House Bill No. 145 to the Clerk of the Supreme Court for consideration by said Court.

The question being on the resolution.

(Discussion ensued)

Messrs. Pickett and Turner of Keene spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

### Committee Reports

Mr. Clough of Haverhill, for the Committee on Municipal and County Government, to whom was referred House Bill No. 4, An act providing for notice to mortgagee by the tax collector, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Clough of Haverhill, for the Committee on Municipal and County Government, to whom was referred House Bill No. 15, An act legalizing the November election of 1948 in the town of Conway, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 46, An act relating to smoking on public carriers where no smoking signs are displayed, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Dwinell of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 21, An act relative to the Jewish Community Center of Manchester, reported the same with the recommendation that the bill ought to pass.

The question being on the report of the committee.

Mr. Dwinell of Lebanon moved that the bill and report be recommitted to the Committee on Ways and Means.

On a *viva voce* vote the motion prevailed.

### Resolutions

Mr. Barry of Wilton offered the following resolution:

*Resolved*, That the Speaker be authorized to appoint a committee of three to screen all literature and other publications which private organizations and others desire to have distributed to the members in their seats.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed as members on such committee, Messrs. Peever of Salem, Hurd of Concord and Simoneau of Laconia.

Mr. Atherton of Nashua offered the following resolution:

*Resolved*, That the use of Representatives' Hall shall be by permission of the Committee on Rules.

On a *viva voce* vote the resolution was adopted.

Mrs. Mason of Berlin offered the following resolution:

*Resolved*, That the House extends its sincere thanks to the Bureau of Government Research of the University of New Hampshire for its valuable services in organizing and promoting the Legislative Institute for the benefit of new members of the House.

Mr. Tolman of Nelson offered the following resolution:

*Resolved*, That the Clerk of the House be hereby instructed to insert in the daily Journal of the House the prayer offered by the Chaplain, and

*Be It Also Resolved*, That it is hereby declared to be the sense of the House that no book or pamphlet containing the prayers offered by the Chaplain, except the Journal of the Session, be printed at the expense of the State.

The question being on the resolution.

(Discussion ensued)

Mr. Tolman of Nelson spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

### Senate Message

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolutions:

Concurrent resolution to provide for a legislative study, investigation and report of the award and administration of

state construction contracts with the Standard Construction Company and others.

*Resolved by the House of Representatives, the Senate concurring:*

1. *Investigation.* There is hereby established a bipartisan joint committee consisting of seven members of the House of Representatives and three members of the Senate. The joint committee is authorized and directed, acting as a whole or by subcommittee, (a) to investigate all phases of the award and administration of state construction contracts with the Standard Construction Company and all affiliated and associate companies or persons, contractors and subcontractors; (b) to investigate the conduct of all present and past state officers and employees in connection with the award and administration of said contracts and the expenditure of funds therefor; (c) to review the steps already taken by the executive departments of the state in the investigation of the above-mentioned affairs and to determine the probable cost of completing such investigation and all necessary litigation arising out of the same; (d) to investigate such other matters of a similar or related nature in any state department as may be brought to the attention of the joint committee; (e) and to report its findings, conclusions and recommendations for remedial legislation or other suitable legislative action to both branches as soon as reasonably possible during the present session. The joint committee may submit interim reports from time to time. A majority of the whole joint committee or of any authorized subcommittee shall be a quorum thereof, and oaths may be administered as provided in Section 14, Chapter 9, Revised Laws, whether a quorum is present or not. A vacancy in the committee shall not affect the powers of the remaining members of the committee.

2. *Appointment.* The Speaker of the House of Representatives, with the advice and consent of the House Committee on Rules, shall appoint four members of the majority party and three members of the minority party, and the President of the Senate, with the advice and consent of the Senate Committee on Rules, shall appoint two members of the majority party and one member of the minority party to said committee. The chairman and vice chairman of the joint committee shall be appointed jointly by the President of the Senate and the



Speaker of the House, and the Clerk of the joint committee shall be chosen by the committee. Vacancies shall be filled in the same manner as the original appointments.

3. *Powers.* The joint committee shall have the power to issue subpoenas to compel the attendance of persons for testimony and the production of documents, books and papers before it. All subpoenas shall be issued under the hands of the President of the Senate and the Speaker of the House and attested by the Clerk of the joint committee and shall be served by the Sergeant-at-Arms of the House or the Senate or any other person authorized by the committee. The committee may employ counsel and technical, stenographic and other assistants subject to the joint approval of the President and the Speaker. The committee may hold sessions during adjournments of the General Court. The committee shall have the power to take testimony by deposition under such rules and regulations as it may adopt. The committee shall have the power to utilize the services, information, facilities and personnel of all departments and agencies of the state and may require the compilation and information or the attendance of any state officer or employee at its hearings to present information and recommendations.

4. *Expenditures.* The expenditures of the joint committee shall be a charge upon the legislative appropriation, subject to the joint supervision the President and the Speaker. Members of the committee shall be allowed their necessary expenses if required to travel outside Concord on committee business. The committee is enjoined to conduct its investigation in the most economical manner possible, consistent with determination of the relevant facts, due consideration being given and proper use being made of all available data already compiled and assembled by other state officers, agents and employees.

5. *Procedure.* All testimony taken by the committee shall be under oath. The constitutional privilege against self-incrimination shall apply to testimony before the committee. All witnesses called before the committee shall have the right to counsel to advise them and shall be informed of such right before examination commences. Hearings may be public or private as the committee may determine. No person shall examine or cross-examine any witness other than members of the committee, its staff, and counsel for the witness, except by

leave of the committee. The committee shall hear all pertinent evidence that may be offered including such voluntary witnesses as may appear. Subject to the supervision of the committee, any person against whom derogatory testimony or other evidence has been submitted may himself or by counsel cross-examine the witness submitting such evidence or may call other witnesses or produce documentary evidence before the committee to refute or explain such testimony or other evidence, and for this purpose the committee shall allow him the right of subpoena, if necessary. The committee shall keep a verbatim record of its proceedings, which record need not be transcribed except as the committee may direct.

6. *Expiration.* The joint committee and its powers shall expire upon the submission of its final report and, in any event, upon the prorogation of the General Court, but may be extended by concurrent resolution.

Mr. Wadleigh of Milford offered the following resolution:

*Resolved*, That the rules of the House be so far suspended that business in order this afternoon be in order at the present time.

On a *viva voce* vote the resolution was adopted.

### Third Readings

House Bill No. 4, An act providing for notice to mortgagee by the tax collector.

House Bill No. 15, An act legalizing the November election of 1948 in the town of Conway.

House Bill No. 46, An act relating to smoking on public carriers where no smoking signs are displayed.

Severally read a third time and passed and sent to the Senate for concurrence.

### Standing Committee Appointments

The Chair announced the following changes in committee appointments:

Lavoie of Nashua to the Committee on Aviation in place of Ingham of Winchester, who desires to withdraw from the committee.

Dionne of Nashua to the Committee on Insurance.

Alessi of Portsmouth to the Committee on Banks, he desiring to withdraw from Committee on Agriculture.

Chamberlin of Haverhill to the Committee on Agriculture, he desiring to withdraw from Committee on Banks.

Blake of Swanzey to the Committee on Public Works, he desiring to withdraw from Committee on Agriculture.

Smith of Keene to the Committee on Agriculture, he desiring to withdraw from Committee on Public Works.

On motion of Mr. Geisel of Manchester at 11:30 o'clock the House adjourned.

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## THURSDAY, JANUARY 20, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O Lord, our Heavenly Father, the high and mighty Ruler of the universe, who dost from Thy throne behold all the dwellers upon earth; most heartily we beseech Thee, with Thy favor to behold and bless Thy servant the President of the United States, and all others in authority; and so replenish them with the grace of Thy Holy Spirit, that they may always incline to Thy will and walk in Thy way. Endue them plentifully with heavenly gifts, grant them in health and prosperity long to live; and finally, after this life, to attain everlasting joy and felicity, through Jesus Christ our Lord. Amen.

### Leaves of Absence

Messrs. Reading of Dover and Williams of Washington were granted leave of absence for the day on account of illness.

Mr. Zimmerman of Keene was granted leave of absence for Tuesday on account of important business.

Mr. Riley of Croydon was granted leave of absence for the day on account of attending a funeral.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Hart of Wolfeboro, House Bill No. 146, An act prohibiting the teaching of doctrines of communism or overthrow of government by force in public or private schools in the state. To a Joint Committee on Judiciary and Education.

By Mr. Converse of Pittsburg, House Bill No. 147, An act authorizing the licensing of dog races on which the pari-mutuel system of betting shall be permitted. To the Committee on Ways and Means.

By Mr. Tilton of Laconia, House Bill No. 148, An act relating to public utilities. To the Committee on Judiciary.

By Mr. Henderson of Durham, House Bill No. 149, An act relating to the lien for sewer assessments and sewer rentals. To the Committee on Executive Departments and Administration.

By Mr. Angus of Claremont, House Bill No. 150, An act relative to the salary of the solicitor of Sullivan county. To the Special Committee composed of the delegation from Sullivan county.

By Mr. Angus of Claremont, House Bill No. 151, An act relative to public employment. To the Committee on Executive Departments and Administration.

By Mr. Baron of Claremont, House Bill No. 152, An act relative to service exemption for war veterans. To the Committee on Military and Veterans' Affairs.

By Mr. Sawyer of Concord, House Bill No. 153, An act relating to fiduciaries. To the Committee on Judiciary.

By Mr. Sawyer of Concord, House Bill No. 154, An act providing for the appointment of temporary guardians. To the Committee on Judiciary.

By Mr. Yerxa of Sutton, House Bill No. 155, An act legalizing certain town and school district meetings in the town of Sutton. To the Committee on Municipal and County Government.

By Mrs. Brungot of Berlin, House Bill No. 156, An act relating to the dimming of lights on motor vehicles. To the Committee on Transportation.

By Mr. Dusik of Lyman, House Bill No. 157, An act legalizing the proceedings of the biennial election in the town of Lyman. To the Committee on Municipal and County Government.

By Mr. Connor of Henniker, House Bill No. 158, An act relative to purchase and sale of poultry. To the Committee on Agriculture.

By Mr. Laraba of Portsmouth, House Bill No. 159, An act granting school districts temporary emergency exemption from certain provisions of the municipal bonds statute. To the Committee on Education.

By Mrs. Brungot of Berlin, House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans. To the Committee on Executive Departments and Administration.

By Mr. Saltmarsh of Concord, House Bill No. 161, An act relative to bonds on public works. To the Committee on Insurance.

By Mr. Stebbins of Webster, House Bill No. 162, An act relative to payments to towns for flood control. To the Committee on Appropriations.

By Mrs. Greene of Concord, House Bill No. 163, An act relative to the investments of domestic life insurance companies. To the Committee on Insurance.

By Mr. Brown of Laconia, House Bill No. 164, An act relating to the general exemption from property taxes of certain privately-owned airports. To the Committee on Ways and Means.

By Mr. Whittier of Bethlehem, House Bill No. 165, An act relative to notice to director before water is drawn down in certain cases. To the Committee on Judiciary.

By Mr. Phelps of Andover, House Bill No. 166, An act relative to the control of white pine blister rust. To the Committee on Forestry and Recreation.

By Mr. Wirkkala of Lempster, House Bill No. 167, An act relative to town road aid. To the Committee on Public Works.

By Mr. Cavanaugh of Manchester, House Bill No. 168, An act relative to age limit for payments of poll taxes. To the Committee on Ways and Means.

By Mr. Hurd of Concord, House Bill No. 169, An act relating to voluntary commitment of patients to the state hospital. To the Committee on Public Welfare and State Institutions.

By Mr. Hambleton of Goffstown, House Bill No. 170, An act relative to revocation of voluntary acceptance of workman's compensation law. To the Committee on Labor.

By Mr. Myhaver of Peterborough, House Bill No. 171, An act relating to authority and duties of police employees. To the Joint Committee on Executive Department and Administration and Municipal and County Government.

By Mr. Hart of Wolfeboro, House Bill No. 172, An act relative to regulation of subdivision of land under municipal planning. To the Committee on Judiciary.

By Mr. Anderson of Warren, House Bill No. 173, An act naming The Moosilauke Trail. To the Committee on Forestry and Recreation.

By Mr. Downes of Conway, House Bill No. 174, An act to provide for voting by ballot on transferring powers of collector of taxes to town manager. To the Committee on Executive Departments and Administration.

By Mr. Connor of Henniker, House Bill No. 175, An act relating to the distribution, sale, or transportation of insecticides, fungicides, rodenticides, and other economic poisons. To the Committee on Agriculture.

By Mr. Dusik of Lyman, House Bill No. 176, An act relating to non-resident hunting licenses. To the Committee on Fisheries and Game.

By Mr. Ransom of Meredith, House Bill No. 177, An act relating to zoning in towns. To the Committee on Judiciary.

By Mr. Weeks of Greenland, House Bill No. 178, An act relative to cutting or removal of shade or ornamental trees within the limits of the highway by public utilities. To the Committee on Public Works.

By Mr. Remick of Tamworth, House Bill No. 179, An act relating to registration fees for portable sawmills. To the Committee on Forestry and Recreation.

By Mr. Willey of Campton, House Bill No. 180, An act providing for the manufacture or sale of colored oleomargarine. To the Committee on Agriculture.

By Mr. Studley of Rochester, House Bill No. 181, An act relative to the Gafney Home for the Aged. To the Committee on Public Welfare and State Institutions.

By Mr. Kelley of Littleton, House Bill No. 182, An act relative to division of the state for taking wild deer. To the Committee on Fisheries and Game.

By Mr. Kelley of Littleton, House Bill No. 183, An act relative to the taking of beaver in certain counties of the state. To the Committee on Fisheries and Game.

By Mr. Kelley of Littleton, House Bill No. 184, An act relative to public hearings for opening and closing season for taking fish. To the Committee on Fisheries and Game.

By Mr. Turner of Keene, House Bill No. 185, An act relating to photographic copies of documents and records. To the Committee on Judiciary.

By the Committee on Rules, House Bill No. 186, An act providing for an income tax. To the Committee on Ways and Means.

By the Committee on Rules, House Bill No. 187, An act relative to the taxation of machinery. To the Committee on Ways and Means.

By the Committee on Rules, House Bill No. 188, An act in amendment of Chapter 84 of the Revised Laws, relating to the franchise tax. To the Committee on Ways and Means.

By the Committee on Rules, House Bill No. 189, An act for the taxation of property passing by sale at retail. To the Committee on Ways and Means.

By the Committee on Rules, House Bill No. 190, An act providing for a gross income tax. To the Committee on Ways and Means.

By Mr. Connor of Henniker, House Bill No. 191, An act relative to definition of concentrated commercial feeding-stuff. To the Committee on Agriculture.

By Mr. Dearborn of Belmont, House Bill No. 192, An act authorizing the town of Belmont to issue notes or bonds for water system. To the Committee on Municipal and County Government.

By Mr. Hart of Wolfeboro, House Joint Resolution No. 6, Joint resolution relative to the teaching and advocating of doctrines tending toward the overthrow of government in the state. To the Joint Committee on Judiciary and Education.

By Mr. Chamberlin of Bath, House Joint Resolution No. 7, Joint resolution relative to Phineas J. Poor estate. To the Committee on Appropriations.

### Committee Reports

Mrs. McPhail of Manchester, for the Committee on Education, to whom was referred House Bill No. 23, An act relating to the disposal of dog license fees, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

On motion of Mr. Fuller of Hanover the bill was re-committed to the Committee on Education.

Mrs. McPhail of Manchester, for the Committee on Education, to whom was referred House Bill No. 5, An act relating to the audit of school district accounts, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Read of Plainfield, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 27, An act relative to compensation of the state classification plan and retirement system boards, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 47, An act relating to obtaining transportation by fraud, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

### Report of Special Committee

The committee appointed for the assignment of Committee Rooms submits the following revised report, replacing all previous reports:

#### Assignment of House Committee Rooms

Agriculture  
Appropriations

State Armory  
Room 318



Aviation	Liquor Commission, Patriot Building
Banks	Room 301
Education	Room 305, Annex
Executive Departments and Administration	Room 317
Fish and Game	Room 100
Forestry and Recreation	Room 100
Insurance	State Armory
Judiciary	Room 308
Labor	Council Chamber, City Hall
Liquor Laws	Liquor Commission, Patriot Building
Military and Veterans' Affairs	Room 317
Municipal and County Government	Auditorium, State Historical Society Building
Public Health	Council Chamber, City Hall
Public Works	Room 207, Annex
Public Welfare and State Institutions	Auditorium, State Historical Society Building
Transportation	Room 305, Annex
Ways and Means	Room 207, Annex
Rules	Speaker's Office

This report is effective as of Tuesday, January 25th, and the Journal with respect to committee hearings has been corrected.

The report was accepted.

### Communication

The following letter was read by the Speaker:

Hon. Richard F. Upton, Speaker  
New Hampshire House of Representatives  
Concord, New Hampshire

DEAR MR. UPTON:

I hand you herewith the report of the Interim Committee on Over-All Taxation, authorized by the last Legislature by virtue of Chapter 327, Laws of 1947, and respectfully ask that the report be printed in the Journal.

Very truly yours,

JOHN R. SPRING,  
*Chairman.*

The communication was accepted, and the report laid up on the table to be printed in the appendix of the House Journal.

### Order Vacated

On motion of Mr. Shedd of New Boston.

*Resolved*, That the order whereby House Bill No. 58, An act relating to accounting for bounties by selectmen, was referred to the Committee on Fisheries and Game be vacated, and the bill be referred to the Committee on Judiciary.

### Resolutions

Mr. Ecker of Manchester offered the following resolution:

*Whereas*, the people of the state of New Hampshire are already beset with large and burdensome bills for electrical energy and

*Whereas*, electrical energy constitutes a vital necessity for the continuance of modern social and economic life and

*Whereas*, the present cost of electrical energy to our people is much higher than the national average and many states in every part of our nation have available electrical energy to prospective industry and householders for a fraction which our citizens must pay and

*Whereas*, our people are threatened with new and drastic demands for further rate increases in electricity which will discourage industry and modern home life within our state, be it hereby

*Resolved*, by this House by a vote by the call of the roll of this House that we go on record as being against this proposed rate increase and in favor of reduced charges for electrical energy; unless and until every phase of interest in this matter to our people has been exhausted in our defense; otherwise we cannot rest satisfied that excessive and extraordinary costs of electricity is the cross we bear for the privilege of living in New Hampshire and enjoying her many natural beauties.

The Speaker referred the resolution to the Committee on Judiciary.

Mr. Wadleigh of Milford offered the following resolution:

*Resolved*, That the rules of the House be so far suspended that business in order this afternoon be in order at the present time, and that the third readings of bills be by their titles

only, and that when we adjourn today it be to meet at 11:00 o'clock Tuesday, January 25.

### Third Readings

House Bill No. 5, An act relating to the audit of school district accounts.

House Bill No. 27, An act relative to compensation of the state classification plan and retirement system boards.

House Bill No. 47, An act relating to obtaining transportation by fraud.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Douphinett of Franklin at 11:55 o'clock the House adjourned.

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TUESDAY, JANUARY 25, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, thou God of all wisdom, who hast endowed us with the power to think and to consider the right and the wrong, help us this day to be thoughtful in all we do. May we ever heed the admonition of Thy Apostle of old, who said: "Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely and of good report, think on these things." Help us, O God, to think on these high qualities, that our actions may be right in Thy sight, and for the good of our state. We ask it in the name of Christ. Amen.

### Leaves of Absence

Mr. Hobbs of Portsmouth was granted leave of absence for the day on account of important business.

Mrs. Wild of Jackson was granted leave of absence for the week beginning January 25th.

**Communication**

The following letter was read by the Speaker.

January 17, 1949

Hon. Richard Upton  
Speaker of the House of Representatives  
Concord, New Hampshire

DEAR MR. UPTON:

As secretary of the New Hampshire Highway Users' Conference, I have been instructed to submit the enclosed resolutions to you.

Very truly yours,

A. J. STABY,  
*Secretary*

**Resolution on Long Range Highway Planning**

*Whereas*, the organizations which go to make up the New Hampshire Highway Users Conference—representing thousands of motor vehicle owners throughout the state—have advocated for several years past the formulation and adoption of a sound long-range highway program; and

*Whereas*, additional impetus to this plea was recently revealed by Governor Adams to have come from the preliminary report of the consultants he has retained to make an analysis of the operation of the State Highway Department; (in his inaugural message the Governor reported the engineer-consultants had recommended “a sound long range construction program should be adopted to raise road standards to an acceptable level”; and

*Whereas*, the State Highway Department has prepared a proposed long-range highway program which it is understood will be submitted to the present Legislature for approval, now therefore be it

*Resolved*, That before final decision is taken as to the scope and cost of such proposed long-range highway program, ample opportunity shall be provided for representatives of highway user organizations to make known their views, and that overall cost of the plan finally agreed upon should not exceed the taxpayers' ability to pay; and

The plan should be state-wide in extent and include all classifications of highways, and establish a schedule of priorities among projects within each classification.

*And, Be It Further Resolved*, That copies of this resolution be sent to Governor Sherman Adams, the State Highway Commissioner and his assistant, the President of the Senate, the Speaker of the House, the chairman of the appropriate legislative committees, and to the press.

The resolution was referred to the Committee on Public Works.

### **Resolution on Uniform Motor Vehicle Laws**

January 17, 1949

*Be It Resolved*, That the New Hampshire Highway Users Conference, through representatives of its constituent organizations, hereby reaffirms its previous action and earnestly recommends that the State of New Hampshire, through the proper public officials, including legislators, take immediate steps to make its motor vehicle laws and regulations conform as closely as practicable to the Uniform Vehicle Code, and be it further

*Resolved*, That copies of this resolution be sent to Governor Sherman Adams, State Motor Vehicle Commissioner, Fred N. Clarke, the President of the Senate, the Speaker of the House of Representatives, the chairman of the appropriate legislative committees, and to the press.

The resolution was referred to the Committee on Transportation.

### **Investigation Committee Appointed**

Pursuant to a resolution adopted, the Speaker appointed the following members:

Messrs. Pillsbury of Manchester, Evans of Lancaster, Greene of Concord, Peever of Salem, Sullivan of Manchester, Ward 6, Pickett of Keene and Edson of Lebanon. The President and the Speaker appointed Mr. Pillsbury of Manchester, Chairman and Senator McMeeken of District No. 3, Vice Chairman.

### Introduction of Bills and Joint Resolutions

The following bills and joint resolutions were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Atwood of Sanbornton, House Bill No. 193, An act relating to pupils. To the Committee on Education.

By Mr. Remick of Tamworth, House Bill No. 194, An act relative to the distribution of revenue from the Mt. Sunapee project. To the Committee on Forestry and Recreation.

By Mr. Remick of Tamworth, House Bill No. 195, An act relative to crossing state lands by public utilities. To the Committee on Executive Department and Administration.

By Mr. Dort of Chesterfield, House Bill No. 196, An act relating to county agents. To the Committee on Municipal and County Government.

By Mr. Dusik of Lyman, House Bill No. 197, An act relating to resident hunting and fishing licenses. To the Committee on Fisheries and Game.

By Mr. Underwood of Hampton, House Bill No. 198, An act relating to the taking of deer by bow and arrow. To the Committee on Fisheries and Game.

By the Committee on Rules, House Bill No. 199, An act providing for additional appropriations for certain departments for the fiscal year ending June 30, 1949. To the Committee on Appropriations.

By Mr. Kennedy of Concord, House Bill No. 200, An act relating to stable space for horses owned by New Hampshire residents. To the Committee on Executive Departments and Administration.

By Mr. Kennedy of Concord, House Bill No. 201, An act relating to racing of horses owned by resident of this state. To the Committee on Executive Departments and Administration.

By Mr. Kennedy of Concord, House Bill No. 202, An act relating to the training and racing of horses owned by New Hampshire residents. To the Committee on Executive Departments and Administration.

By Mr. Kennedy of Concord, House Bill No. 203, An act relating to race track meets. To the Committee on Executive Departments and Administration.

By Mrs. Brungot of Berlin, House Bill No. 204, An act relating to unemployment compensation. To the Committee on Labor.

By Mr. Oakes of Landaff, House Bill No. 205, An act relating to the soil conservation committee. To the Committee on Agriculture.

By Mr. Elwell of Exeter, House Bill No. 206, An act relating to insurers not authorized to transact business in this state. To the Committee on Insurance.

By Mr. Doonan of Greenville, House Bill No. 207, An act relating to investments of savings banks. To the Committee on Banks.

By Mr. Thompson of Laconia, House Bill No. 208, An act relative to term of office of city engineer, highway commissioner and sewer commissioner. To the Committee on Municipal and County Government.

By Mr. Moore of Bradford, House Bill No. 209, An act relating to the printing of pledges of candidates for delegate upon primary ballot. To the Committee on Judiciary.

By Mr. Moore of Bradford, House Bill No. 210, An act to provide for a presidential preference primary. To the Committee on Judiciary.

By the Committee on Rules, House Bill No. 211, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1950. To the Committee on Appropriations.

By the Committee on Rules, House Bill No. 212, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1951. To the Committee on Appropriations.

By the Committee on Rules, House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and Journals. To the Committee on Judiciary.

By the Committee on Rules, House Bill No. 214, An act to re-impose the state tax on real estate. To the Committee on Ways and Means.

By Mr. Laraba of Portsmouth, House Bill No. 215, An act relative to the admissibility in evidence of statements of deceased persons. To the Committee on Judiciary.

By Mr. Moore of Bradford, House Bill No. 216, An act to provide to central depository for state deeds. To the Committee on Executive Departments and Administration.

By the Committee on Rules, House Bill No. 217, An act providing for a deficiency appropriation for certain departments and institutions for the fiscal year ended June 30, 1948.

By Mr. Hurd of Concord, House Bill No. 218, An act relating to the directors of insurance companies. To the Committee on Insurance.

By Mr. Hurd of Concord, House Bill No. 219, An act relating to the taxation of legacies and successions. To the Committee on Ways and Means.

By Mr. Remick of Tamworth, House Bill No. 220, An act relative to registration of saw mills. To the Committee on Forestry and Recreation.

By Messrs Ransom and Smith, House Bill No. 221, An act to authorize the construction and financing of a sewer system by the town of Meredith. To the Committee on Judiciary.

By Mr. Turner of Keene, House Bill No. 222, An act providing for longevity pay for members of the staff of teachers' colleges. To the Committee on Education.

By Mr. Doonan of Greenville, House Bill No. 223, An act to enlarge the powers of savings banks in making loans to veterans. To the Committee on Banks.

By Mrs. Mason of Berlin, House Bill No. 224, An act relative to allegations of misconduct in divorce proceeding. To the Committee on Judiciary.

By Mr. Kelley of Littleton, House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Little Water Works. To the Committee on Judiciary.

By Mr. Pickett of Keene, House Joint Resolution No. 8, in favor of Marvin G. Smith. To the Committee on Appropriations.

By the Committee on Rules, House Joint Resolution No. 9, Creating an interim commission to study the feasibility of consolidating the various retirement systems. To the Committee on Appropriations.



### Committee Reports

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 32, An act relative to prohibiting releasing fish into certain waters, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 34, An act relative to having or carrying loaded guns, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 59, An act relative to definitions under the fish and game laws, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hinman of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 55, An act relating to the attendance at county conventions by selectmen of towns not sending representatives, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out all after the word "When" in the third line and inserting in place thereof the following: The board of selectmen of any town not sending a representative to the general court shall be furnished a copy of the commissioners' statement and be notified by mail by the chairman of the county delegation of the meeting of the county convention held pursuant to the provisions of section 13-b of chapter 44 of the Revised Laws, as inserted by section 2 of chapter 142 of the Laws of 1947. Such notice shall be mailed at least five days prior to the meeting, so that said section as amended shall read as follows:

1. *Notification of Selectmen.* Amend chapter 44 of the Revised Laws by inserting after section 5 the following new section: 5-a. *Selectmen in Attendance; When.* The board

of selectmen of any town not sending a representative to the general court shall be furnished a copy of the commissioners' statement and be notified by mail by the chairman of the county delegation of the meeting of the county convention held pursuant to the provisions of section 13-b of chapter 44 of the Revised Laws, as inserted by section 2 of chapter 142 of the Laws of 1947. Such notice shall be mailed at least five days prior to the meeting.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Pickett of Keene, for the Committee on Judiciary, to whom was referred House Bill No. 36, An act relating to registration of foreign corporations, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 of chapter 280 as inserted by section 1 of the bill by striking out the word "fire" in line 2 of said section and inserting in place thereof the word, foreign, and by striking out the word "either" in line 8 and inserting in place thereof the words, the secretary of state and his successor or successors in office or, so that said section as amended shall read as follows:

1. *Fee; Appointment of Agent.* Every foreign corporation, except foreign insurance companies and as otherwise specifically provided, desiring to do business in this state, shall pay a registration fee of twenty-five dollars and shall have and continuously maintain in this state

(a) a registered office which may or may not be the same as its place of business in this state; and

(b) a registered agent, which agent may be the secretary of state and his successor or successors in office or an individual resident in or a corporation authorized to do business and act as such agent in this state, whose office is identical with such registered office.

Amend section 4 of chapter 280 as inserted by section 1 of the bill by adding after the word "diligence" in line 15 the words, and promptness, so that said section as amended shall read as follows:

4. *Service of Process.* Service of process in any suit, action or proceeding, or service of any notice or demand re-

quired or permitted by law to be served on a foreign corporation, may be made on such corporation as otherwise provided by law or by service thereof on the registered agent of such corporation. Service of any such process or of any such notice or demand upon a registered agent as registered agent may be made (a) by serving a copy thereof on its president, a vice president, the clerk, the secretary or an assistant clerk or an assistant secretary, if such registered agent is a corporation, or (b) by leaving an attested copy of such process, notice or demand in the registered office of the registered agent during regular business hours, or (c) as otherwise provided by law. Whenever any foreign corporation authorized to transact, or transacting business in this state shall fail to appoint or maintain in this state a registered agent upon whom service of legal process or service of any such notice or demand may be had, or whenever service on any such registered agent cannot with reasonable diligence and promptness be made as above provided, or whenever the certificate of authority of any foreign corporation shall be forfeited, then and in every such case the secretary of state shall be and hereby is irrevocably authorized as the agent and representative of such foreign corporation to accept service of any process or service of any notice or demand required or permitted by law to be served upon such corporation.

The report was accepted, the amendments adopted, and the bill ordered to a third reading.

Mr. Holden of Hanover, for the Committee on Judiciary, to whom was referred House Bill No. 112, An act providing for the settlement of disputes respecting the domicile of decedents for death tax purposes, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Turner of Keene offered the following amendment:

Amend paragraph (b) of section 1 of Chapter 89-A as inserted by section 1 of the bill by adding after the word "such" in line 3 the word, state, so that said paragraph shall read as follows:

(b) "Taxing official." The assistant attorney general in this state, and in any other reciprocal state the officer or body designated in the statute of such state substantially similar to this chapter:

The question being on the amendment.

(Discussion ensued)

Mr. Turner of Keene spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

### Resolutions

Mr. Laraba of Portsmouth offered the following resolution:

*Resolved*, That the Clerk be instructed to procure 1500 extra copies of the report of the Interim Committee to study the Overall Tax Structure of the State, to be printed using the same composition and format as used in printing said report for the Journal appendix, with appropriate minor changes as directed by the Clerk.

*Further Resolved*, That the Clerk be instructed to procure the same number of extra copies of the six bills recommended by the Interim Committee, using the same composition and format as used in printing said bills for the House, one set of six bills to be bound in the appendix of each of the copies of the main report.

On a *viva voce* vote the resolution was adopted.

Mr. Johnson of Northwood offered the following resolution:

*Resolved*, That the following policy be established for the distribution of House Journals, Bills, and Joint Resolutions to legislative agents, corporations and other persons, except the members of the General Court and State Departments:

1. Every citizen is entitled to one copy of any publication free of charge at the legislative counter or to have the same mailed to him free of charge upon individual request for such one copy.

2. Persons requesting copies of all publications delivered complete, for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be prorated where service is received for portions of the session only. All fees will be payable in advance.

3. All fees charged hereunder shall be fixed by the Sergeant-at-Arms with the approval of the Speaker and shall

be collected by the Sergeant-at-Arms and paid in to the State Treasury and credited to the legislative appropriation. Any House attache who works overtime to furnish any of the services hereunder shall be allowed such additional sum for his overtime services as the Appropriations Committee shall deem fair and reasonable.

The question being on the resolution.

(Discussion ensued)

Mr. Johnson of Northwood spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

### **Ruling of Speaker**

The House Rules Committee announces the following ruling:

All bills or proposals for bills in the hands of the bill drafting service of the Attorney General's office, by closing time today at 5 P. M., will be considered as received within the deadline for introduction of new bills, even though such bills may be read and referred on subsequent days. The decision of the Attorney General's office as to the time when a bill or proposal is received shall be final.

All bills in hands of Clerk by 5 P. M. today are also considered as in whether read or not today.

Mr. Flanagan of Dover offered the following joint resolution:

*Resolved*, That the House inform the Honorable Senate that it is ready to meet in joint convention with the Honorable Senate for the sole purpose of electing a State Treasurer, said convention to convene immediately upon the adoption of this Resolution.

The question being on the joint resolution.

(Discussion ensued)

Mr. Spaulding of Hudson moved to lay the joint resolution on the table.

Mr. Flanagan of Dover demanded the yeas and nays.

The roll having commenced, Mr. Flanagan of Dover withdrew his demands.

The joint resolution was laid upon the table.

Mr. Wadleigh of Milford offered the following resolution:

*Resolved*, That the rules of the House be so far suspended that business in order this afternoon be in order at the present time, and that the third readings of bills be by their titles only.

On a *viva voce* vote the resolution was adopted.

### Third Readings

House Bill No. 32, An act relative to prohibiting releasing fish into certain waters.

House Bill No. 34, An act relative to having or carrying loaded guns.

House Bill No. 36, An act relating to registration of foreign corporations.

House Bill No. 55, An act relating to the attendance at county conventions by selectmen of towns not sending representatives.

House Bill No. 59, An act relative to definitions under the fish and game laws.

House Bill No. 112, An act providing for the settlement of disputes respecting the domicile of decedents for death tax purposes.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Studley of Dover at 12:05 o'clock the House adjourned.

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WEDNESDAY, JANUARY 26, 1949

The House met according to adjournment.

Prayer was offered by Rev. Ralph Huffer, Pastor of First Parish Congregational Church of Dover.

"Almighty God, of whose righteous will all things are, and were created; Thou hast gathered our people into a great nation, and sent them to sow beside many waters, and multiply their dwellings on the earth. Deepen the root of our life in everlasting righteousness. Make us equal to our high trusts;

reverent in the use of freedom; just in the exercise of power; generous in the protection of weakness. To our Governor, legislators and counsellors, give insight and faithfulness, that our laws may clearly speak the right, and our judges purely interpret it. May wisdom and knowledge be the stability of our times; and our deepest trust be in Thee, the Lord of Nations, and the King of Kings." Amen.

### **Leaves of Absence**

Mr. Weeks of Greenland was granted leave of absence for the day on account of attending a funeral.

Mr. Oakes of Landaff was granted leave of absence for Wednesday and Thursday on account of personal business.

Mr. Redden of Dover was granted leave of absence until further notice on account of illness.

### **Introduction of Bills and Joint Resolutions**

The following bills and joint resolutions were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 226, An act providing for the equalization of the stock in trade tax. To the Committee on Ways and Means.

By Mr. Simoneau of Laconia, House Bill No. 227, An act relating to the practice of embalming and funeral directing. To the Committee on Public Health.

By Mr. Shedd of New Boston, House Bill No. 228, An act relative to inspectors of weights and measures. To the Committee on Executive Departments and Administration.

By the Committee on Appropriations, House Bill No. 229, An act relating to appeals from taxes assessed against insurance companies by the insurance commissioner. To the Committee on Judiciary.

By Mr. Angus of Claremont, House Bill No. 230, An act relating to salaries in the city of Claremont. To special committee composed of the Claremont Delegation.

By Mr. Tolman of Nelson, House Bill No. 231, An act relating to the rules and regulations of the liquor commission. To the Committee on Liquor Laws.

By Mr. Nawn of Concord, House Bill No. 232, An act relating to the return of tax collectors' reports from the registry of deeds. To the Committee on Municipal and County Government.

By Mr. Nawn of Concord, House Bill No. 233, An act relating to competitive bidding on county purchases. To the Committee on Municipal and County Government.

By Mr. Dodge of Dover, House Bill No. 234, An act relating to registration of motor vehicles by amputees. To the Committee on Transportation.

By Mr. Danforth of Manchester, House Bill No. 235, An act relating to the fees of bail commissioners. To the Committee on Executive Departments and Administration.

By Mr. Crandall of Dover, House Bill No. 236, An act relating to small claims. To the Committee on Judiciary.

By Mr. Connor of Henniker, House Bill No. 237, An act increasing the motor vehicle road toll. To the Committee on Ways and Means.

By Mr. Clough of Haverhill, House Bill No. 238, An act relative to legal investments of savings banks. To the Committee on Banks.

By Mr. Brosnahan of Nashua, House Bill No. 239, An act relative to minors. To the Committee on Liquor Laws.

By Mr. Malley of Somersworth, House Bill No. 240, An act in relation to marriages. To the Committee on Judiciary.

By Mr. Besse of Concord, House Bill No. 241, An act relative to requirements for manufacture of ice cream. To the Committee on Public Health.

By Mr. Hinman of Stratford, House Bill No. 242, An act relative to the computation of period of service of sentence by paroled prisoners. To the Committee on Public Welfare and Public Institutions.

By Mr. Kenney of Loudon, House Bill No. 243, An act authorizing the Loudon school district to borrow money and to issue notes or bonds. To the Committee on Municipal and County Government.

By Mr. Rancour of Canterbury, House Bill No. 244, An act establishing the rule for the measurement of round timber. To the Committee on Forestry and Recreation.



By Mr. Besse of Concord, House Bill No. 245, An act relative to communicable diseases. To the Committee on Public Health.

By Mr. Besse of Concord, House Bill No. 246, An act relative to biologicals. To the Committee on Public Health.

By Mr. Connor of Henniker, House Bill No. 247, An act relating to the grading and marking of potatoes. To the Committee on Agriculture.

By Mr. Hurd of Concord, House Bill No. 248, An act to dissolve certain railroad corporations. To the Committee on Judiciary.

By Mr. Jones of Lebanon, House Bill No. 249, An act relative to mileage allowance for members of the legislature. To the Joint Committee on Appropriations and Mileage.

By Mr. Laraba of Portsmouth, House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases. To the Committee on Public Welfare and State Institutions.

By Mr. Laraba of Portsmouth, House Bill No. 251, An act relating to the appointment and tenure of deputy clerks of superior courts. To the Committee on Judiciary.

By Mr. Sawyer of Concord, House Bill No. 252, An act relative to retirement benefits of court stenographers. To the Committee on Appropriations.

By Mr. Myhaver of Peterborough, House Bill No. 253, An act relating to parking of motor vehicles. To the Committee on Transportation.

By Mr. Doonan of Greenville, House Bill No. 254, An act relating to deferred posting by banks. To the Committee on Banks.

By Mr. Lea of Pembroke, House Bill No. 255, An act dividing Merrimack County into commissioner districts. To the special committee composed of the Merrimack County Delegation.

By Mr. Parmenter of Londonderry, House Bill No. 256, An act providing for reclassification of a road in Londonderry and Manchester. To the Committee on Public Works.

By Mr. Philbrick of Rye, House Bill No. 257, An act relative to harbor-masters for Hampton Harbor and Rye Harbor. To the Committee on Public Works.

By Mr. Remick of Tamworth, House Bill No. 258, An act relative to maintenance of recreational roads. To the Committee on Public Works.

By Mr. Russell of Sunapee, House Bill No. 259, An act relative to taking salmon and brook trout in Lake Sunapee. To the Committee on Fisheries and Game.

By Mr. Roberts of Orford, House Bill No. 260, An act relative to marking state highway. To the Committee on Public Works.

By Mr. Philbrick of Rye, House Bill No. 261, An act relative to preparation of check lists for school district meetings. To the Committee on Executive Departments and Administration.

By Mrs. Richards of Exeter, House Bill No. 262, An act relative to questions appearing upon official ballots. To the Committee on Executive Departments and Administration.

By Mr. Sanborn of Fremont, House Bill No. 263, An act authorizing the Fremont school district to issue bonds or notes. To the Committee on Municipal and County Government.

By Mr. Sawyer of Concord, House Bill No. 264, An act relating to appointment of probation officers in large towns and cities. To the Committee on Judiciary.

By Mr. Simoneau of Laconia, House Bill No. 265, An act relative to recording death certificates. To the Committee on Public Health.

By Mr. Simoneau of Laconia, House Bill No. 266, An act relative to vital statistics forms, and recording of stillbirths. To the Committee on Public Health.

By Mrs. Studley of Rochester, House Bill No. 267, An act relative to prohibiting marriages. To the Committee on Public Health.

By Mrs. Swain of Barrington, House Bill No. 268, An act relating to trespassing and signs therefor. To the Committee on Agriculture.

By Mr. Wheeler of Bristol, House Bill No. 269, An act relative to term of office of the city health officer and milk inspector. To the Committee on Public Health.

By Mr. Pickett of Keene, House Bill No. 270, An act repealing provisions of the unfair sales act and amendment thereto. To the Committee on Judiciary.

By Mr. Zopf of Claremont, House Bill No. 271, An act abolishing a police commission for the City of Claremont and placing the police department under control of the manager. To the special committee composed of the Claremont Delegation.

By Mr. Zopf of Claremont, House Bill No. 272, An act relative to the appointing power of the manager. To the special committee composed of the Claremont Delegation.

By Mr. Zopf of Claremont, House Bill No. 273, An act relative to the council of the city of Claremont. To the special committee composed of the Claremont Delegation.

By Mr. Laraba of Portsmouth, House Bill No. 274, An act concerning the recognition of a divorce obtained in another jurisdiction and to make uniform the law with reference thereto. To the Committee on Judiciary.

By Mr. Kelley of Littleton, House Bill No. 275, An act relative to nonresident fish and game licenses. To the Committee on Fisheries and Game.

By Mr. Laraba of Portsmouth, House Bill No. 276, An act increasing the number of court stenographers. To the Committee on Judiciary.

By Mr. Kelley of Littleton, House Bill No. 277, An act relative to gross weight of motor vehicle. To the Committee on Transportation.

By Mr. Hobbs of Portsmouth, House Bill No. 278, An act relating to the taking of striped bass. To the Committee on Fisheries and Game.

By Mr. Thompson of Laconia, House Bill No. 279, An act relating to capital reserve funds for cities. To the Committee on Executive Departments and Administration.

By Mr. Couture of Allenstown, House Bill No. 280, An act relating to the sales of beverages in grocery stores. To the Committee on Liquor Laws.

By Mr. Sargent of Danbury, House Bill No. 281, An act relative to suspension of fish and game licenses. To the Committee on Fisheries and Game.

By Mr. Saltmarsh of Concord, House Bill No. 282, An act creating a New Hampshire port authority. To the Committee on Public Works.

By Mr. Killeen of Walpole, House Bill No. 283, An act relating to licenses for hotels. To the Committee on Liquor Laws.

By Mr. Saltmarsh of Concord, House Bill No. 284, An act relative to form of election ballots. To the Committee on Executive Departments and Administration.

By Mr. Hobbs of Portsmouth, House Bill No. 285, An act changing season for taking salt water smelt. To the Committee on Fisheries and Game.

By Mr. Henderson of Durham, House Bill No. 286, An act relating to the Atlantic States Marine Fisheries Commission. To the Committee on Fisheries and Game.

By Mr. Gouin of Dover, House Bill No. 287, An act relative to transportation of pupils to approved private schools. To the Committee on Education.

By Mr. Hamlin of Dummer, House Bill No. 288, An act relative to the reclassification of a certain road in the town of Dummer. To the Committee on Public Works.

By Mr. Geisel of Manchester, House Bill No. 289, An act relative to exemptions from attachment. To the Committee on Executive Departments and Administration.

By Mr. Geisel of Manchester, House Bill No. 290, An act establishing a state revenue-raising pool. To the Committee on Ways and Means.

By Mr. Fernald of Rochester, House Bill No. 291, An act relative to the salary of the mayor of Rochester. To the Special Committee composed of the Rochester Delegation.

By Mr. Foote of Portsmouth, House Bill No. 292, An act relating to distribution of railroad taxes. To the Committee on Ways and Means.

By Mr. Hambleton of Goffstown, House Bill No. 293, An act relative to workmen's compensation. To the Committee on Insurance.

By Mr. Geisel of Manchester, House Bill No. 294, An act relative to homestead rights. To the Committee on Judiciary.

By Mr. Donnelly of Manchester, House Bill No. 295, An act relative to licensing plumbers. To the Committee on Executive Departments and Administration.

By Mr. Sawyer of Concord, House Bill No. 296, An act relating to support of children. To the Committee on Public Welfare and State Institutions.

By Mrs. Greene of Concord, House Bill No. 297, An act relating to contracts by married women. To the Committee on Judiciary.

By Mr. Stapleton of Pittsfield, House Bill No. 298, An act relating to the New Hampshire Motor Carrier Act. To the Committee on Transportation.

By Mr. Stapleton of Pittsfield, House Bill No. 299, An act relating to transporting persons by motor vehicle for gain or hire. To the Committee on Transportation.

By Mr. Martel of Manchester, House Bill No. 300, An act relating to obscene literature, pictures and articles. To the Committee on Executive Departments and Administration.

By Mr. Martel of Manchester, House Bill No. 301, An act establishing a domestic relations court within the framework of the superior court. To the Committee on Judiciary.

By Mr. Martel of Manchester, House Bill No. 302, An act relative to reconciliation proceedings before divorce. To the Committee on Judiciary.

By Mr. Martel of Manchester, House Bill No. 303, An act relative to divorce decrees. To the Committee on Judiciary.

By Mr. Martel of Manchester, House Bill No. 304, An act relative to the remarriage of divorced persons. To the Committee on Judiciary.

By Mr. Root of Hampstead, House Bill No. 305, An act relating to amputees. To the Committee on Military and Veterans' Affairs.

By Mr. Sullivan of Manchester, House Bill No. 306, An act relative to the control of objectionable literature. To the Committee on Executive Departments and Administration.

By Mr. Hurd of Concord, House Bill No. 307, An act relating to the salary of the superintendent of the state hospital. To the Committee on Public Welfare and State Institutions.

By Mr. Chamberlin of Haverhill, House Bill No. 308, An act relating to diseases of domestic animals. To the Committee on Agriculture.

By Mr. Besse of Concord, House Bill No. 309, An act relating to drainage into highways. To the Committee on Public Health.

By Mr. Washburn of Bartlett, House Bill No. 310, An act relating to taking raccoons. To the Committee on Fisheries and Game.

By Mr. Griffin of Auburn, House Bill No. 311, An act relating to supervisory unions. To the Committee on Education.

By Mrs. Brungot and Mrs. Fontaine of Berlin, House Bill No. 312, An act relating to hours of labor. To the Committee on Labor.

By Mr. Dusik of Lyman, House Bill No. 313, An act relating to insurance for hunters. To the Joint Committee on Fisheries and Game and Insurance.

By Mr. Whittier of Bethlehem, House Bill No. 314, An act relative to possession of lobster meat. To the Committee on Fisheries and Game.

By Mr. Colbath of Concord, House Bill No. 315, An act relating to the elimination of certain surety bonds. To the Committee on Executive Departments and Administration.

By Mrs. Brungot of Berlin, House Bill No. 316, An act relative to taking horned pout in Umbagog Lake. To the Committee on Fisheries and Game.

By Mr. Stapleton of Pittsfield, House Bill No. 317, An act relative to larceny. To the Committee on Judiciary.

By the Committee on Rules, House Bill No. 318, An act making an appropriation for an addition to the state highway garage. To the Committee on Appropriations.

By Mr. Gardner of Littleton, House Bill No. 319, An act relating to neglect of husband or father to support wife and children and neglect of mother. To the Committee on Public Welfare and State Institutions.

By Mr. Read of Plainfield, House Bill No. 320, An act relating to the extermination of wild boar in the counties of Sullivan and Grafton. To the Committee on Fisheries and Game.

By Mr. Sawyer of Manchester, House Bill No. 321, An act relating to a merit system in the city of Manchester. To the Special Committee composed of the Manchester Delegation.

By Mr. Stapleton of Pittsfield, House Bill No. 322, An act relating to duties of county commissioners. To the Committee on Municipal and County Government.

By Mr. Cartier of Rochester, House Bill No. 323, An act establishing a committee on public utilities. To the Committee on Judiciary.

By Mr. Elwell of Exeter, House Joint Resolution No. 10, Joint resolution making appropriation for special lighting for the State Senate Room. To the Committee on Appropriations.

By Mr. Holmes of Salisbury, House Joint Resolution No. 11, Joint resolution in favor of Brendan J. Splaine. To the Committee on Appropriations.

By Mr. Ellingwood of Northumberland, House Joint Resolution No. 12, Joint resolution in favor of the Estate of Raymond A. Elliott. To the Committee on Appropriations.

By Mr. Pickett of Keene, House Joint Resolution No. 13, Joint resolution in favor of Samuel W. Tenofsky. To the Committee on Appropriations.

By Mr. Pickett of Keene, House Joint Resolution No. 14, Joint resolution in favor of Ora V. Norcross. To the Committee on Appropriations.

By Mr. Pickett of Keene, House Joint Resolution No. 15, Joint resolution in favor of Theophile G. Tetreault. To the Committee on Appropriations.

By Mr. Baxter of Millsfield, House Joint Resolution No. 16, Joint resolution in favor of the town of Errol. To the Committee on Appropriations.

By Mr. Kazakis of Manchester, House Joint Resolution No. 17, Joint resolution memorializing Congress relative to the St. Lawrence Waterways. To the Committee on Public Works.

By Mr. Colbath of Concord, House Joint Resolution No. 18, Joint resolution establishing a commission to investigate the advisability of third-party insurance, so-called, as it affects the state, its departments, commissions and agencies. To the Committee on Executive Departments and Administration.

### Committee Reports

Mr. Hart of Wolfeboro, for the Committee on Appropriation, to whom was referred House Bill No. 42, An act relating to expenses of the state forester in reforestation plans, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Hart of Wolfeboro, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 2, Joint resolution in favor of Massachusetts Mutual Life Insurance Company, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Holden of Hanover, for the Committee on Judiciary, to whom was referred House Bill No. 78, An act relating to the powers of the village precinct of Hanover to install parking meters, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Clough of Haverhill, for the Committee on Municipal and County Government, to whom was referred House Bill No. 24, An act relative to town appropriations for poison ivy eradication, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Moore of Bradford, for the Committee on Public Works, to whom was referred House Bill No. 106, An act relating to the reversion to towns of certain rights of way, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Moore of Bradford, for the Committee on Public Works, to whom was referred House Bill No. 110, An act relating to the discontinuance of certain classes of highways, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 88, An act



relating to the penalty for embezzlement, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Embezzlement, Public Officer.* Amend section 27 of chapter 450 of the Revised Laws by striking out all after the word "be" in line 4 and inserting in place thereof the words, fined not more than two thousand dollars, or imprisoned not more than five years, or both, so that said section as amended shall read as follows: 27. *Public Officer.* If any public officer, being a receiver of public money, shall fraudulently convert the same to his own use, or shall pay or deliver the same to any person, knowing that such person is not entitled to receive it, he shall be fined not more than two thousand dollars, or imprisoned not more than five years, or both.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that pursuant to a resolution adopted, the President appointed the following senators to the investigating committee, Senator McMeekin, to serve as Vice-Chairman, Senator Hartnett and Senator Bingham.

### Resolution

Mr. Clough of Haverhill offered the following resolution:

*Resolved,* That the Committee on Municipal and County Government, acting as a whole or by subcommittee, is authorized and directed to make a study and report any recommended legislation to the present session of the General Court on the subject of consolidation of facilities for county jails and houses of correction of the ten counties. The committee shall consider such factors as geographical location, segregation of various classes of prisoners, security, the most economical use of existing plant, costs of transporting prisoners, the problem of female prisoners, equitable formulas for sharing of costs among the counties and such other matters as may come to its attention. All state and county officers and employees are directed to assist the committee by compiling information and

making recommendations or appearing before the committee as requested. Members of the committee shall be allowed their necessary expenses if required to travel outside Concord on committee business. The committee will conduct its study in the most economical manner possible, co-operating with the County Officers' Association and other interested civil groups, using all information already compiled by them.

The question being on the resolution.

(Discussion ensued)

Mr. Clough of Haverhill spoke in favor of the resolution. On a *viva voce* vote the resolution was adopted.

### Qualified

Mr. Alfred Osborne of Weare, having appeared before His Excellency, the Governor, appeared during the session and took his seat as a member of the House.

Mr. Wadleigh of Milford offered the following resolution:

*Resolved*, That the rules of the House be so far suspended that business in order this afternoon be in order at the present time, and that the third readings of bills be by their titles only.

On a *viva voce* vote the resolution was adopted.

### Third Readings

House Bill No. 24, An act relative to town appropriations for poison ivy eradication.

House Bill No. 42, An act in relation to expense of the state forester and reforestation plans.

House Bill No. 78, An act relating to the powers of the village precinct of Hanover to install parking meters.

House Bill No. 88, An act relating to the penalty for embezzlement.

House Bill No. 106, An act relating to the reversion to towns of certain rights of way.

House Bill No. 110, An act relating to the discontinuance of certain classes of highways.

House Joint Resolution No. 2, Joint resolution in favor of Massachusetts Mutual Life Insurance Company and New England Mutual Life Insurance Company.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Aldrich of Keene at 11:59 o'clock the House adjourned.

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#### THURSDAY, JANUARY 27, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty and merciful Father, Who in the richness of Thy providence art building in this land a nation out of many nations of the world; deliver us, we humbly beseech Thee, from coldness and contempt, from social, political and religious bigotry. So imbue us with the Spirit of the Master that we may understand and respect our neighbors of different birth and heritage; move our hearts with compassion for the bewildered and forlorn, and fill us with the gift of charity, without which we are nothing in Thy sight. Grant this in the name of Jesus Christ. Amen.

#### Leave of Absence

Mr. Dwinell of Lebanon was granted leave of absence for the day on account of important business.

#### Introduction of Bills and Joint Resolution

The following bills and joint resolution were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Edson of Lebanon, House Bill No. 324, An act providing for reports under the municipal budget law and defining the duties of certain officials thereunder. To the Committee on Municipal and County Government.

By Mr. Johnson of Northwood, House Bill No. 325, An act relating to operation of motor vehicle while under the influence of intoxicating liquor.

By Mr. Kazakis of Manchester, House Bill No. 326, An act relating to expenses of the moderator of the city of Manchester. To the Special Committee composed of the Manchester Delegation.

By Mr. Obert of Center Harbor, House Bill No. 327, An act relating to possession of jacks, etc., in hunting. To the Committee on Fisheries and Game.

By Mr. Remick of Tamworth, House Bill No. 328, An act relative to removal of slash and storage of combustibles near saw mills. To the Committee on Forestry and Recreation.

By Mr. Stocklan of Dover, House Bill No. 329, An act amending the charter of the city of Dover. To the Special Committee composed of the Dover Delegation.

By Mr. Zimmerman of Keene, House Bill No. 330, An act relating to the use of firearms in certain cases. To the Committee on Fisheries and Game.

By Mr. Downey of Manchester, House Bill No. 331, An act relative to liquor licenses for Class A restaurants. To the Committee on Liquor Laws.

By Mr. Zimmerman of Keene, House Bill No. 332, An act relating to the transportation and tagging of deer. To the Committee on Fisheries and Game.

By Mr. Bluitte of Raymond, House Bill No. 333, An act relative to travel allowances for members of the general court. To Joint Committee on Appropriations and Mileage.

By Mr. Coffin of Somersworth, House Bill No. 334, An act relative to the salary of the mayor of Somersworth. To the Special Committee composed of the Somersworth Delegation.

By Mr. Roy of Berlin, House Bill No. 335, An act relative to taking wild deer. To the Committee on Fisheries and Game.

By Mr. Killeen of Walpole, House Bill No. 336, An act relating to payment of poll taxes. To the Committee on Ways and Means.

By Mr. Killeen of Walpole, House Bill No. 337, An act relating to town officers' associations. To the Committee on Ways and Means.

By Mr. Hambleton of Goffstown, House Joint Resolution No. 19, Joint resolution in favor of the estate of Frank H. Peaslee. To the Committee on Appropriations.

### Order Vacated

Mr. Brown of Bennington offered the following resolution:

*Resolved*, That the order whereby House Bill No. 164, An act for the general exemption from property taxes of certain privately owned airports, was referred to Committee on Ways and Means, be vacated, and the bill be referred to the Committee on Aviation.

On a *viva voce* vote the resolution was adopted.

### Committee Reports

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred House Bill No. 56, An act relating to the powers of trust companies, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred House Bill No. 63, An act relative to annual report of the bank commissioner, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 60, An act relative to state fish and game refuges, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by inserting in the sixth line after the word "game" the following: , game; so that said section as amended shall read as follows:

2. *Special Provisions*. Amend chapter 246 of the Revised Laws by inserting after section 12-b, as inserted by section 2, chapter 152, Laws of 1947, the following new section: 12-c. *Permission Granted*. Any game refuge may be open to the taking of any particular species of game, game bird or fur-bearing animal at any time and by any means under such regulations as may be prescribed by the director.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 74, An act relative to field trials for dogs, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 86, An act repealing the provision whereby conservation officers may accept fines in the field, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Underwood of Hampton, for the Committee on Municipal and County Government, to whom was referred House Bill No. 49, An act legalizing certain town meetings in the town of Jackson, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Payette of Portsmouth, for the Committee on Municipal and County Government, to whom was referred House Bill No. 62, An act relative to town appropriations for coasting and skating places, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Farmer of Newport, for the Committee on Municipal and County Government, to whom was referred House Bill No. 71, An act legalizing the biennial election in the town of Hampstead, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hinman of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 96, An act relating to

interest on delinquent taxes, having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee that the bill is inexpedient to legislate.

Mr. Pickett of Keene moved to substitute the words "ought to pass" for the resolution of the committee, inexpedient to legislate.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Pickett of Keene, Lea of Pembroke, Geisel and Pillsbury of Manchester, spoke in favor of the motion to substitute.

Messrs. Laraba of Portsmouth and Turner of Keene spoke against the motion to substitute.

On a *viva voce* vote the Chair was in doubt.

The Chair called for a division.

A division being had, 227 members having voted in the affirmative and 110 members having voted in the negative, the motion to substitute the words "ought to pass" for the resolution of the committee, inexpedient to legislate, prevailed.

The bill was ordered to a third reading.

Mr. Spaulding of Hudson moved that the rules be suspended, the third reading of the bill by its title and final passage be made at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed and sent to the Senate for concurrence.

### Reconsideration

Mr. Pickett of Keene moved that the House reconsider the vote whereby the House passed House Bill No. 96, An act relating to interest on delinquent taxes.

On a *viva voce* vote the motion to reconsider did not prevail.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had passed a bill with the following

title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 2, An act relative to credit unions.

### **Senate Bill Read and Referred**

Senate Bill No. 2, An act relative to credit unions.

Read a first and second time, and referred to the Committee on Banks.

### **Resolutions**

Mr. Peever of Salem offered the following five (5) resolutions:

*Resolved*, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

1. Do the provisions of House Bill No. 190, An act providing for a gross income tax, violate in any way the provisions of the fundamental law of the State, with respect to the following:

(a) The provisions contained in Sections 1, 10 (a), and 18 permitting the use of the fiscal year as the tax period in lieu of the calendar year.

(b) The provision by which, under definition (i) of gross income in Section 1, the receipts from interest and dividends would be subject to the gross income tax as well as the present interest and dividends tax. Inquiry is made whether, if the receipts now taxed under Chapter 780 of the Revised Laws were exempted from the tax proposed by this bill, the resulting classification would be sustainable under the constitution.

(c) The provision contained in Section 3 classifying gross income with regard to its type, rather than with regard to its recipient, and applying a uniform rate to each class of income, but at different rates for the different classes.

(d) The provisions of Section 3 (h) and (i) for measuring gross income in certain special instances.

(e) The provision of Section 5 for classified deductions.

(f) The provisions of Section 6 for exceptions or exemptions.



(g) The provisions of Sections 29, 30, and 31 with respect to the present stock in trade tax and distribution. Inquiry is made whether the stock in trade tax provided for in Chapter 73, Revised Laws, may be validly imposed on a taxpayer if the tax levied by House Bill No. 190 is held invalid as a tax on interstate commerce as applied to such taxpayer.

2. In the opinion of the Court does any other provision of the bill appear to be in conflict with the constitution?

3. Do any provisions of the bill appear to conflict with the United States Constitution?

*Further Resolved*, That the Speaker transmit a copy of the Resolution and of House Bill No. 190 to the Clerk of the Supreme Court for consideration by said Court.

*Resolved*, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

Do the provisions of House Bill No. 186, An act providing for an income tax, violate in any way the provisions of the fundamental law of the State, with respect to the following:

1. The provision contained in Section 1 permitting the taxpayer to make his return and pay his tax on a fiscal year basis.

2. The provisions contained in Section 1 defining net income.

3. The provisions for exemptions contained in Section 3.

4. The provision for allocation contained in Section 4.

5. The implied provision that the interest and dividends tax shall remain in force and that interest and dividends shall be taxed under this act only when the net income of the person or corporation paying the interest and dividends has not been taxed under this act.

6. And in the opinion of the Court does any other provision of said bill appear to be in conflict with the constitution?

*Further Resolved*, That the Speaker transmit a copy of this resolution and of House Bill No. 186 to the Clerk of the Supreme Court for consideration by said Court.

*Resolved*, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

Do the provisions of House Bill No. 189, An act for the taxation of property passing by sale at retail, violate in any way the provisions of the fundamental law of the State, with respect to the following:

1. The provision in Section 5 for a schedule of average tax to be added to or included in the retail price and collected from the purchaser, any breakage under the Section to be retained by the retailer as a compensation for collecting the tax.
2. The provision contained in Section 6 for the registration of all sellers and for a registration fee.
3. The provision for exemptions contained in Section 10.
4. And in the opinion of the Court does any other provision of the said bill appear to be in conflict with the constitution?

*Further Resolved*, That the Speaker transmit a copy of this resolution and of House Bill No. 189 to the Clerk of the Supreme Court for consideration by said Court.

*Resolved*, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

1. May the Legislature constitutionally provide for the assessment of the stock in trade tax by the tax commission as a local property tax upon valuations proportional to the values of taxable property throughout the State and at the average rate of taxation throughout the state, as provided in House Bill No. 226, An act providing for the equalization of the Stock in Trade Tax.

2. In the valuation of stocks in trade, may the assessing authority consider the salability of stocks in process or at other stages?

*Further Resolved*, That the Speaker transmit a copy of this Resolution and of House Bill No. 226 to the Clerk of the Supreme Court for consideration by said Court.

*Resolved*, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following question of law:

Do the provisions of House Bill No. 188, An act in amendment of Chapter 84 of the Revised Laws relating to the franchise tax, conform to the fundamental law of the state?

*Further Resolved*, That the Speaker transmit a copy of this resolution and of the House Bill No. 188 to the Clerk of the Supreme Court for consideration by said Court.

On a *viva voce* vote the resolutions were adopted.

Mr. Boynton of Hillsboro offered the following resolution:

*Resolved*, That the salary of the members of the House of Representatives be so divided that any member may receive one fourth of his or her salary monthly for the first three months, the balance to be paid at the adjournment of the session, and

*Further Resolved*, That the mileage of members of the House be paid every four weeks during the session.

On a *viva voce* vote the resolution was adopted.

Mr. Martel of Manchester offered the following resolution:

*Whereas* the House has learned with sorrow of the death of Louis Simard, father of Emile Simard, present member of the House from Manchester, now therefore

*Be It Resolved*, That the Chair appoint a committee of five members to draw up a suitable resolution.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed as members on such committee:

Messrs. Martel, Roy, Delisle, Kane and Thibodeau of Manchester.

## COUNTY ORGANIZATIONS

*General Chairman of County Delegations*

ARTHUR L. HAMILTON of Lisbon

*Clerk of County Delegation*

MARION H. ATWOOD of Sanbornton

### Rockingham County

*Chairman*—Harold R. Corson, Derry.

*Vice Chairman*—Clinton Elwell, Exeter.

*Clerk*—Mary C. Dondero, Portsmouth.

*Executive Committee*—Leonard B. Peever, Salem Depot; John J. Leary, Portsmouth; Maude B. Richards, Exeter; Thomas W. Fecteau, Epping; Oliver H. Hepworth, Derry.

**Strafford County**

*Chairman*—James F. Malley, Somersworth.

*Clerk*—Norma M. Studley, Rochester.

*Executive Committee*—William Gouin, Dover; Maurice A. Jones, Rochester; Leo H. Cater, Somersworth; Ned L. Parker, Farmington; Llewellyn F. Fernald, Rochester.

**Belknap County**

*Chairman*—Marion H. Atwood, Sanbornton.

*Clerk*—Raymond C. Smith, New Hampton.

*Executive Committee*—Elmer S. Tilton, Laconia; Horace Ransom, Meredith; Fortunat A. Normandin, Laconia; Clarence Dearborn, Belmont; Lena D. Weeks, Gilford.

**Carroll County**

*Chairman*—Harold H. Hart, Wolfeboro.

*Clerk*—Edith N. Banfield, Moultonboro.

*Executive Committee*—Ansel N. Sanborn, Sanbornville; Winifred G. Wild, Jackson; George F. Thibodeau, Wolfeboro.

**Merrimack County**

*Chairman*—Lester E. Connor, Henniker.

*Clerk*—C. Murray Sawyer, Concord.

*Executive Committee*—Edmond J. Stapleton, Pittsfield; Stanley A. Spiller, New London; Fred A. Savory, Warner; Louis H. Douphinett, Franklin; James P. Ferrin, Concord.

**Hillsborough County**

*Chairman*—Michael S. Donnelly, Manchester.

*Clerk*—Ernest Q. Bigelow, Pelham.

*Executive Committee*—Andrew C. Elliot, Milford; Louis W. Paquette, Nashua; Arthur E. Thibodeau, Manchester; Stanley Betley, Manchester; Joel S. Daniels, Manchester; Mabel T. Cooper, Nashua; David J. Barry, Wilton.

**Cheshire County**

*Chairman*—Ralph A. Blake, Swanzey.

*Clerk*—Franklin L. Lang, Troy.

*Executive Committee*—E. James Winslow, Keene; Charles R. Thomas, Dublin; Carl C. Spoffard, Jaffrey.

**Sullivan County**

*Chairman*—Tony Russell, Sunapee.

*Clerk*—Maurice Downing, Newport.

*Executive Committee*—Perl Hutchins, Claremont; Sydney B. Converse, Claremont; Leland L. Riley, Croydon; Maurice H. Cummings, Newport; David E. Williams, Washington.

**Grafton County**

*Chairman*—Arthur L. Hamilton, Lisbon.

*Vice-Chairman*—Lane Dwinnell, Lebanon.

*Clerk*—Glenn L. Wheeler, Bristol.

*Executive Committee*—Philip S. Willey, Campton; Fred A. Jones, Lebanon.

**Coos County**

*Chairman*—Henry M. Moffett, Berlin.

*Clerk*—Hilda C. F. Brungot, Berlin.

*Executive Committee*—Ismond D. Ellingwood, Elizabeth H. Mason, Lester Moses, Emil Johnson, Rebecca Gagnon.

**Resolution**

Mr. Wadleigh of Milford offered the following resolution:

*Resolved*, That the rules of the House be so far suspended that business in order this afternoon be in order at the present time, and that the third readings of bills be by their titles only, and that when we adjourn today it be to meet at 11 o'clock, Tuesday, February 1.

On a *viva voce* vote the resolution was adopted.

**Third Readings**

House Bill No. 49, An act legalizing certain town meetings in the town of Jackson.

House Bill No. 56, An act relating to the powers of trust companies.

House Bill No. 60, An act relative to state fish and game refuges.

House Bill No. 62, An act relative to town appropriations for coasting and skating places.

House Bill No. 63, An act relative to annual report of the bank commissioner.

House Bill No. 71, An act legalizing the biennial election in the town of Hampstead.

House Bill No. 86, An act repealing the provision whereby conservation officers may accept fines in the field.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Philbrick of Rye at 11:45 o'clock the House adjourned.

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TUESDAY, FEBRUARY 1, 1949

The House met according to adjournment.

Prayer was offered by the Rev. Herbert C. Taylor of Campton Baptist Church, Campton, N. H.

Almighty God, in whom we find a sufficiency for all our human needs, we come to Thee in the knowledge that without Thee we are inadequate to meet the demands that the world places upon us. Assist us this day with Thy grace in all the work that we are to undertake. Direct us with Thy wisdom and support us with Thy power. Help us to perceive that which is our duty, and inspire us to diligence in the performance of all our responsibilities. Grant us breadth of vision, which will see beyond any selfish ambition or temporary expedient, and help us to build well and adequately for the future. Help those who are in positions of leadership to fulfill their duties in the spirit of humble service, and those who represent others to do so with understanding and integrity. Grant that all that we

accomplish shall be profitable to our character and in accord with Thy eternal purpose as revealed through Jesus Christ our Lord. Amen.

### **Leaves of Absence**

Mr. Root of Hampstead was granted leave of absence for the day on account of attending a funeral.

Messrs. Bartlett of Berlin; Parker of Farmington and Sommers of Holderness, were granted leave of absence for the week on account of important business.

Mr. Downing of Newport was granted leave of absence until further notice on account of illness.

### **Introduced**

Mr. Chester E. Merrow, Congressman from the First District, was introduced to the House.

### **Qualified**

Miss Loizeaux of Plymouth and Mr. Tracy of Amherst, having appeared before His Excellency the Governor, appeared during the session and took their seat as members.

### **Introduction of Bills and Joint Resolution**

The following bills and joint resolution were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Ashley of Lebanon, House Bill No. 338, An act relative to the price of liquor. To the Committee on Ways and Means.

By Mr. Colbath of Concord, House Bill No. 339, An act relating to the change of name of the Concord Building and Loan Association. To the Committee on Banks.

By Mr. Colbath of Concord, House Bill No. 340, An act relating to limitations upon accounts of building and loan associations. To the Committee on Banks.

By Mrs. Dondero of Portsmouth, House Bill No. 341, An act relative to so-called write-in political candidates. To the Committee on Executive Departments and Administration.

By Mr. Ferguson of Pittsfield, House Bill No. 342, An act relating to fees for testing weights and measures. To the Committee on Executive Departments and Administration.

By Mr. Johnson of Northwood, House Bill No. 343, An act to provide for the registration of trade-marks, labels, brands, designs, devices, symbols, and forms of advertisement. To the Committee on Executive Departments and Administration.

By Mr. Killeen of Walpole, House Bill No. 344, An act relative to tax collectors. To the Committee on Municipal and County Government.

By Mr. Killeen of Walpole, House Bill No. 345, An act relating to collection of taxes. To the Committee on Municipal and County Government.

By Mr. Laraba of Portsmouth, House Bill No. 346, An act relating to fines collected by a municipal court. To the Committee on Judiciary.

By Mr. Myhaver of Peterborough, House Bill No. 347, An act relating to marking highways for motor vehicle travel. To the Committee on Transportation.

By Mr. Oakes of Landaff, House Bill No. 348, An act increasing the fees for licenses for dogs. To the Committee on Municipal and County Government.

By Mr. Oakes of Landaff, House Bill No. 349, An act changing the fiscal year of school districts. To the Committee on Education.

By Mrs. Goodwin of Hollis, House Bill No. 350, An act relating to changing the name of Long Pond in Hollis. To the Committee on Forestry and Recreation.

By Mr. Rancour of Canterbury, House Bill No. 351, An act relative to the so-called Shaker Road in the towns of Belmont, Northfield and Canterbury. To the Committee on Public Works.

By Mr. Zimmerman of Keene, House Bill No. 352, An act relative to taking fish from lakes and ponds partly in another state. To the Committee on Fisheries and Game.

By Mr. Falkenham of Dalton, House Joint Resolution No. 20, Joint resolution for the improvement of the Dalton Mountain and Forest Lake Road in the Town of Dalton. To the Committee on Public Works.



### Order Vacated

Mr. Fernald of Rochester moved that the rules of the House be suspended, and the order whereby House Joint Resolution No. 5, Joint resolution providing for the erection of a retaining wall along the Cochecho river in Rochester, was referred to the Committee on Public Works, be vacated and the joint resolution be referred to a Special Committee consisting of the delegation from the city of Rochester.

The question being on the motion.

(Discussion ensued)

Messrs. Fernald and Carter of Rochester spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

### Committee Reports

Mr. Sawyer of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 72, An act relating to a state bird, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Dustin of Rochester, for the Committee on Public Health, to whom was referred House Bill No. 37, An act relating to debt limitations as a result of certain required installations of sewerage systems or treatment plants, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Dustin of Rochester, for the Committee on Public Health, to whom was referred House Bill No. 52, An act relative to leasing sewage facilities, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Thibodeau of Wolfeboro, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 54, An act relating to old age assistance to inmates of

public institutions, having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Dwinell of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 18, An act relating to road toll on users of fuel other than motor fuel, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Myhaver of Peterborough, for the Committee on Transportation, to whom was referred House Bill No. 73, An act relative to motor vehicle accidents, reported the same with the following amendment, and with the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. *Motor Vehicle Accidents.* Amend section 19 of chapter 118 of the Revised Laws by striking out said section and inserting in place thereof the following: 19. *Conduct After Accident.* Any person operating a motor vehicle, knowing that injury has been caused by him to a person or to property, shall forthwith bring his vehicle to a stop, return to the scene of the accident, give, to the operator of any other motor vehicle involved in said accident, and to the person, or the owner of the property, injured his name and address, the number of the driver's license, the registration number of the motor vehicle, and the name and address of each occupant thereof. If the owner of the property damaged is not available at the place of the accident the information required hereunder shall be given to a policeman at the nearest police station. Any person operating a motor vehicle which is in any manner involved in an accident in which any person is injured or killed, or resulting in damage to property in excess of fifty dollars, shall forthwith report in writing to the commissioner the facts required herewith together with a statement of the circumstances of the accident.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Myhaver of Peterborough, for the Committee on Transportation, to whom was referred House Bill No. 28, An act relating to the registration of pleasure-car type motor vehicles, reported the same with the following amendment and with the recommendation that the bill ought to pass as amended:

Amend the title of the bill by inserting after the word "type" the words, and passenger car, so that said title as amended shall read as follows: relating to the registration of pleasure-car type and passenger car motor vehicles.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Pleasure Cars.* Amend section 1 of chapter 118 of the Revised Laws as amended by chapter 48 of the Laws of 1945, section 2, chapter 107, section 7, chapter 177 and section 1, chapter 273 of the Laws of 1947 by inserting after paragraph II the following new paragraph: II-a. For every motor vehicle of the pleasure car type not used commercially the following rates based on the gross weight of the vehicle and load: All vehicles and load not exceeding three thousand pounds, eleven dollars; exceeding three thousand pounds and not exceeding forty-five hundred pounds, fifteen dollars; exceeding forty-five hundred pounds, twenty-two dollars.

2. *Registration Fees.* Amend paragraph III of section 1 of chapter 118 of the Revised Laws as amended by chapter 273 of the Laws of 1947 by striking out the word "paragraph" in the fourth line and inserting in place thereof the words, paragraph II-a and; further amend by striking out the word, "ten" in the seventeenth line and inserting in place thereof the word, eleven, so that said paragraph as amended shall read as follows: III. For each motor vehicle, farm truck or tractor, including trailers and semi-trailers equipped with pneumatic tires, except motor cycles and motor cycle side-cars, and except as provided in paragraphs II-a and IV, the following rates based on the gross weight of the vehicle and load: All vehicles and load not exceeding four thousand pounds, thirty-five cents per hundred pounds; exceeding four thousand and not exceeding six thousand pounds, forty-five cents per hundred pounds; exceeding six thousand pounds and

not exceeding eight thousand pounds, fifty cents per hundred pounds; exceeding eight thousand pounds, sixty cents per hundred pounds. For all vehicles equipped with hard rubber tires the sum of twenty cents per hundred pounds shall be added to the above rates. For all vehicles equipped with iron, steel or other hard tires the sum of forty cents per hundred pounds shall be added to the above rates; provided that the minimum fee as provided herein shall be eleven dollars for passenger vehicles and fifteen dollars for trucks. Equipment mounted on trucks of which the equipment is an integral part of the unit shall be registered at one third of the above rates. Cement mixers, saw rigs and air compressors towed by motor vehicles shall pay one tenth of the above rates except when towed exclusively within the limits of a single city or town, in which case no fees for registration shall be collected. In the registration of any tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractor, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby, and separate registration certificates and plates shall be provided for the tractor and semi-trailer. For the registration of each additional or extra semi-trailer the fee shall be twenty-five dollars.

3. *Application of Act.* The commissioner has authority to make any adjustments which may be necessary to carry out the provisions of this act. With reference to registration fees for 1949 which have been paid prior to the passage of this act, the commissioner shall refund any overpayments and shall collect any additional amounts due.

4. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The reading of the amendment having commenced, on motion of Mr. Myhaver of Peterborough, further reading of the amendment was dispensed with.

The question being on the motion.

(Discussion ensued)

Mr. Myhaver of Peterborough spoke in favor of the motion.

Mr. Rathbone of Exeter spoke against the motion.

On a *viva voce* vote the motion prevailed.

The amendment was adopted, and the bill ordered to a third reading.

### Resolution

Mr. Roy of Manchester offered the following resolution:

*Whereas*, the House has learned with sorrow of the death of Louis Simard, father of Emile Simard, present member of the House from Manchester,

*Therefore, Be It Resolved*, That we extend our heartfelt sympathy to the members of his family, and to our fellow member, and

*Be It Further Resolved*, That the Clerk be instructed to transmit copies of these resolutions to the family.

(Signed)

EUGENE DELISLE

JOHN KANE

PETER H. ROY

ARTHUR E. THIBODEAU,

LOUIS ISRAEL MARTEL

*Committee on Resolutions*

The resolution was unanimously adopted by a rising vote.

### Message From the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 4, An act relating to copies of public records required by veterans' administration.

### Senate Bill Read and Referred

Senate Bill No. 4, An act relating to copies of public records required by veterans' administration.

Read a first and second time, and referred to the Committee on Military and Veterans' Affairs.

### Resolution

Mr. Wadleigh of Milford offered the following resolution:

*Resolved*, That the rules of the House be so far suspended that business in order this afternoon be in order at the present

time, and that the third readings of bills be by their titles only.

On a *viva voce* vote the resolution was adopted.

### Third Reading

House Bill No. 18, An act relating to road toll on users of fuel other than motor fuel.

House Bill No. 28, An act relating to the registration of pleasure-car type motor vehicles.

House Bill No. 37, An act relating to debt limitations as a result of certain required installations of sewerage systems or treatment plants.

House Bill No. 52, An act relative to leasing sewerage facilities.

House Bill No. 72, An act relating to a state bird.

House Bill No. 73, An act relative to motor vehicle accidents.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Weeks of Greenland at 11:45 o'clock the House adjourned.

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WEDNESDAY, FEBRUARY 2, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, give us strength to live another day. Let us not become cowards before its difficulties or prove recreant to its duties. Keep us sound of heart and mind in spite of what it costs, and help us to so live that no outward failure can dishearten us or take away the joy of conscious integrity. In our duty as legislators, teach us to differ without animosity; to melt pride into humility and turn selfishness into sharing. Give us this day a deeper sense of responsibility, and a clearer vision of the task before us. We ask it in the name of Christ. Amen.

### **Resolution**

On motion of Mr. Barry of Wilton.

*Resolved*, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in joint convention at 11:00 o'clock, for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate will be ready to meet the House of Representatives in joint convention as suggested by the House Message at 11:00 o'clock, for the purpose of receiving His Excellency, the Governor, and any communication that he may be pleased to make, and for the transaction of any other business that may properly come before such convention.

### **Recess**

### **After Recess**

### **Joint Convention**

Pursuant to a concurrent resolution, adopted by both branches, His Excellency, the Governor, attended by the Honorable council, appeared and delivered the following message:

There is now before you legislation regarding the wages of State employees. In fairness, it should have your early attention.

Your investigation of the trend in wages in public service in New Hampshire will disclose that adjustments have lagged somewhat behind adjustments in the wages of employees elsewhere outside of the State service.

You will recall that a case was presented by the employees some months ago for an increase in wage schedules. At that time, however, there were no funds to meet any such increase and the employees did not press for their only remedy, which, at that time would have involved a special session. It was believed that this issue should be met during this regular session of the Legislature. It would have been inappropriate for me to have made any concrete recommendations for an adjustment prior to my assuming this office, but the facts which bear upon

this matter ought to enter into your consideration and your determination of what your decision shall be. I urge you to give your attention to the prevailing rates provided in the current classification schedules. The act providing for a classification system was adopted in 1943. The rates of pay adopted at that time may be assumed to bear some relationship to the economic needs of the State employees as determined by the then existing cost of living.

Since the effective date of these rates the cost of living has increased approximately forty per cent. Expressed in a different way, the wage dollar will buy today only approximately sixty cents worth of the necessities of life, in comparison with 1943.

The actual increases which have been made during these years in the individual classification schedules appear to vary all the way from a low of one per cent to a high of seventy per cent. The result is that today there exists an array of salary rates that bears little relationship to the schedules adopted under the classification system. It is herefore conceded by employer and employee alike that a complete overhauling of the classification system is now required and the working out and adoption of a carefully planned code for the evaluation of every job in State service. In order to give me authority to commence this work, I suggest you adopt a suitable resolution, providing as well for its cost, which will not exceed the sum of ten thousand dollars.

The reorganization of the classification system will be accomplished only with the adoption of entirely new salary ranges on the basis of the job evaluation formula which is adopted, with due weight, as well, given to the requirements for a sustaining rate of income to State workers in the economic environment in which they live as measured by the costs of the essentials of life. Consideration must also be given to the existing rates of pay for like work in this and surrounding areas. At the time that the reorganization of the classification system is accomplished, together with an administrative code, the rates of pay provided thereunder should be retroactive to January 1. To provide for the adoption of a revised classification system for State employees, I shall at the proper time lay before you legislation for your consideration.

The case for salary adjustment has been pending for some considerable number of months. The readjustments in the



system will require something like ten to twelve weeks of intensive work after you have authorized me to commence it. The fairest plan of wage adjustments that could be devised will result from the completion of the foregoing work. If that work could be completed promptly it would offer the best solution to the present wage problem. However, it cannot. In the meantime, it seems only fair to provide a partial remedy in the form of an interim increase. It is inevitable that a percentage increase will compound some injustices already existing in the present salary ranges. However, that is unavoidable if any immediate relief is to be given. From studies which have been made it appears that the average increase necessary to adjust present salaries on the basis of cost of living increases lies somewhere between ten and fifteen per cent. As to the amount of any such increase the determination ought to be left to you. Due to the time during which this matter has been pending and the justice which prompts the adjustment, I recommend that you give it early consideration. Such increases as you may determine to be warranted should be purely temporary and considered as an advance against such amounts as may become due under the wage schedules as finally adopted pursuant to the studies which I have requested that you authorize. Let me add further that in the consideration of a temporary increase your attention be directed not only to the present situation but to the development of this case during the last several months.

At my request, a special committee has given a good deal of time and attention to this matter. I suggest you invite its chairman to appear before your committees considering this question.

During several meetings with representatives of the employees organization, including two meetings with its Council, several matters appeared to me of considerable significance. The State service is an honorable service. From the Governor to the humblest clerk, the manner in which we perform our duties determines in a very large measure the esteem in which the good name of the State is held by our people. Public impressions of our efficiency and devotion to duty result from the observation of a great many people outside the State service who appraise our behavior, our punctuality, our industriousness, our courtesy and our willingness to serve with a right spirit.

We have discussed together, the employees and I, the hours we should work to provide the State with the services required by our people, the question of time off from our work during the day and the taking of holidays. We have expressed our determination to make ourselves more efficient, to promote such changes as will insure a higher level of service and to maintain a vigorous personal interest in our work. Above all, we intend to have the good name of our State Government, as an institution, always held high. We believe it ought to be a government of progressive people who should always have an opportunity to express individual ideas and to assist in promoting its public effectiveness.

Following these discussions it is my conviction that we are prepared to improve our Government and to arrive at solutions of our problems with the consideration of what the public has a right to expect of us, always uppermost in our minds. With these objectives, I am confident that this Legislature will be in full accord. Therefore, in the consideration of the recommendations that are now laid before you, I bespeak your thoughtful consideration.

On motion of Senator Brunel of District No. 9, the convention rose.

## House

### Leaves of Absence

Mr. Obert of Center Harbor was granted leave of absence for February 15 and 16 on account of important business.

Mrs. McPhail of Manchester was granted leave of absence for the day on account of important business.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Colbath of Concord, House Bill No. 353, An act relating to name and shares of building and loan associations. To the Committee on Banks.

By Mr. Spaulding of Hudson, House Bill No. 354, An act relating to enlarging schoolhouse lots. To the Committee on Education.

By Mr. Jones of Francestown, House Bill No. 355, An act relating to reclassification of a certain highway in Frances-town. To the Committee on Public Works.

By Mr. Collins of Lisbon, House Bill No. 356, An act to legalize the town meeting of Lisbon. To the Committee on Municipal and County Government.

By Mr. Fitch of Deerfield, House Bill No. 357, An act relative to change in classification of a certain highway in Deerfield. To the Committee on Public Works.

By Mr. Pillsbury of Manchester, House Bill No. 358, An act providing for a temporary pay increase for state employees. To the Committee on Appropriations.

By the Committee on Rules, House Bill No. 359, An act ratifying a proposed compact with certain states specified providing for abatement of existing pollution and control of future pollution of interstate waters. To the Committee on Public Health.

By Mr. Zyla of Manchester, House Bill No. 360, An act relating to certain tax exemption of citizens who fought with allies of the United States. To the Committee on Military and Veterans' Affairs.

By Mr. Turner of Keene, House Bill No. 361, An act relating to fees on motor vehicles of heavy weight. To the Committee on Transportation.

By Mr. Turner of Keene, House Bill No. 362, An act relating to television sets in motor vehicles. To the Committee on Transportation.

By Mr. Turner of Keene, House Bill No. 363, An act relating to brakes on trailers and semi-trailers. To the Committee on Transportation.

By Mr. Turner of Keene, House Bill No. 364, An act relative to spot lamps for motor vehicles. To the Committee on Transportation.

By Mr. Pillsbury of Manchester, House Bill No. 365, An act to equalize educational opportunities and to improve the educational offerings of the public, elementary and high schools. To the Committee on Education.

By Mr. Turner of Keene, House Bill No. 366, An act relative to motorized bicycles or scooters. To the Committee on Transportation.

### Committee Reports

Mr. Hill of Conway, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 118, An act relating to cemetery records, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Cater of Somersworth, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 131, An act relating to appointment and terms of the members of the commission on interstate cooperation, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Angus of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 119, An act authorizing the city of Claremont to issue refunding bonds and validating outstanding bonds and notes, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Ecker of Manchester, for the Committee on Municipal and County Government, to whom was referred House Bill No. 76, An act relative to annual reports of certain county officers, reported the same with the following amendment and with the recommendation that the bill ought to pass as amended.

Amend section 1 by inserting after the word "probate" in the fourth line the words, justices and clerks of municipal courts; further amend by inserting after the word "income" in the sixth line the words, and operating expenses, so that said section as amended shall read as follows:

1. *County Officers.* Amend chapter 50 of the Revised Laws by adding after section 4 the following new section: 5. *Annual Statements to be Filed.* Every justice of the probate court, sheriff, deputy sheriff, register of deeds and register of probate, justices and clerks of municipal courts on or before April first of each year shall file with the secretary of state

a statement of his income as such officer for the preceding year. Such statement shall be under oath, shall show the income and operating expenses from each type of work, such as salary, court attendance, criminal investigation, service of civil process, recording fees, etc., and whether the same is for services, mileage or expenses. Said statements when filed with the secretary of state shall be open to the inspection of any interested parties.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Roberts of Orford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 155, An act legalizing certain town and school district meetings in the town of Sutton, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Moore of Bradford, for the Committee on Public Works, to whom was referred House Bill No. 30, An act naming the John Stark highway, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Moore of Bradford, for the Committee on Public Works, to whom was referred House Bill No. 167, An act relative to town road aid, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### **Order Vacated**

On motion of Mr. Myhaver of Peterborough:

*Resolved*, That the order whereby House Bill No. 260, An act relative to marking state highways was referred to the Committee on Public Works, be vacated and the bill be referred to the Committee on Transportation.

### Bills Engrossed

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 2, An act relative to compensation of jurors for expenses.

House Bill No. 6, An act repealing provisions as to the election of assessors in towns.

House Bill No. 13, An act relative to exemption from jury service.

The report was accepted.

### Resolution

Mr. Tirrell of Goffstown offered the following resolution:

*Resolved*, That the Speaker is hereby instructed to appoint twenty monitors and twenty alternates from the membership of the House. The monitors shall have the usual duties of monitors as in past sessions, presenting to each member as his seat the attendance roll. Each member shall sign said roll indicating his presence as provided by law; provided however if a member is unavoidably absent from his seat at the time the attendance roll is passed, he shall be permitted by the monitor to sign the same at any time prior to the final adjournment of the House for the day. After final adjournment for the day, the monitors shall return the attendance rolls to the Sergeant-at-Arms for delivery to the Mileage Committee.

On a *viva voce* vote the resolution was adopted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives.

House Bill No. 2, An act relative to compensation of jurors for expenses.

House Bill No. 6, An act repealing provisions as to the election of assessors in towns.

House Bill No. 13, An act relative to exemption from jury service.

The message also announced that the Senate had passed the following entitled bill, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 5, An act relating to investments by guardians of beneficiaries of the veterans' administration.

### **Senate Bill Read and Referred**

Senate Bill No. 5, An act relating to investments by guardians of beneficiaries of the veterans' administration.

Read a first and second time, and referred to the Committee on Judiciary.

On motion of Mr. Wadleigh of Milford, the rules of the House were so far suspended as to allow business in order this afternoon to be in order at the present time, and the third readings of bills be by their titles only.

### **Third Readings**

House Bill No. 30, An act naming the John Stark highway.

House Bill No. 76, An act relative to annual reports of certain county officers.

House Bill No. 118, An act relating to cemetery records.

House Bill No. 119, An act authorizing the city of Claremont to issue refunding bonds.

House Bill No. 131, An act relating to appointment and terms of the members of the commission on interstate cooperation.

House Bill No. 155, An act legalizing certain town and school district meetings in the town of Sutton.

House Bill No. 167, An act relative to town road aid.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Tilton of Concord at 11:45 o'clock the House adjourned.

THURSDAY, FEBRUARY 3, 1949

The House met according to adjournment.

Prayer was offered by the Rev. Ned Burr McKenney of the First Congregational Church, Concord.

Our Father and our God, humbly we bow before Thee, to dedicate the hours and the labors of this day to Thy glory and Thy service among men. We know that we are created in Thy likeness to do Thy will upon the earth. We know that they that wait upon Thee shall renew their strength. Give us now the mind and the courage, putting aside all special interests and selfish desire, to serve Thee with a whole heart, that our state, our nation, and our world may know in ever fuller measure the blessings of liberty. So help us, Thy servants, to be defenders of equity and builders of brotherhood this day. We ask it in the name of all that we hold dear. Amen.

### Leave of Absence

Mr. Keller of Laconia was granted leave of absence for the day on account of important business.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 367, An act to amend the charter of the city of Nashua relative to purchases by city departments. To the Special Committee composed of the Nashua Delegation.

By Mr. Sawyer of Concord, House Bill No. 368, An act relative to salary of deputy register of probate for Merrimack county. To the Special Committee composed of the Merrimack County Delegation.

By Mr. Hinman of Stratford, House Bill No. 369, An act relative to service exemption for war veterans. To the Committee on Military and Veterans' Affairs.

By Mr. Merrill of Hampton, House Bill No. 370, An act relative to insurance rating organizations. To the Committee on Insurance.



By Mr. Turner of Keene, House Bill No. 371, An act relative to the payment of municipal bonds and notes. To the Committee on Municipal and County Government.

By Mr. Turner of Keene, House Bill No. 372, An act designating Route No. 4 and the new toll road connecting Route No. 1 in Maine with Route No. 1 in Massachusetts as the Blue Star Memorial Highway. To the Committee on Public Works.

By Mr. Ferguson of Pittsfield, House Bill No. 373, An act relating to poll taxes. To the Committee on Ways and Means.

By Mr. Connor of Henniker, House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture. To the Committee on Agriculture.

By Mrs. Ramsdell of Nashua, House Bill No. 375, An act to revise the charter of the city of Nashua. To the Special Committee composed of the Nashua Delegation.

By Mr. Root of Hampstead, House Bill No. 376, An act relative to collection of dog license fees. To the Committee on Municipal and County Governments.

By Mr. Stocklan of Dover, House Bill No. 377, An act relative to the charter of the city of Dover. To the Special Committee composed of the Dover Delegation.

### Committee Reports

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred House Bill No. 223, An act to enlarge the powers of savings banks in making loans to veterans, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 23, An act relating to the disposal of dog license fees, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 29, An act establishing the New Hampshire teacher's retirement system, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriation, under the rules.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 53, An act relating to non-resident pupils in schools, having considered the same, reported the same with the following amendments and with the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. *Tuition. Out of District Pupils.* Amend section 26, chapter 138 of the Revised Laws by striking out said section and inserting in place thereof the following: 26. *Tuition.* Any district not maintaining a school of proper grade level shall pay for the tuition of any pupil who with parents or guardian resides in said district or who, as a resident in said district, is determined after full investigation by the state board of education as entitled to have his tuition paid by the district where he resides, and who attends an approved public school in another district or an approved private school to which he is assigned by the school board of the district within which he resides. Except under contract as provided in section 21 of this chapter, the liability of any school district for the tuition of any pupil shall be limited to the cost per pupil of the current expenses of operation for the preceding school year of the receiving district for its secondary schools or elementary schools, whichever is attended by the pupil. This current expense of operation shall include all costs except debt service and capital outlay. To the above may be added a rental charge of two per cent of the capital valuation of such secondary school facilities or elementary school facilities as defined by the state board of education as are attended.

Amend section 2 of the bill by striking out the words, "upon its passage" and inserting in place thereof the following: July 1, 1949, so that said section as amended shall read as follows: 2. *Takes Effect.* This act shall take effect July 1, 1949.

The report was accepted, the bill with amendments pending, was laid upon the table to be printed.

Mr. Zopf of Claremont, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 149, An act relating to the lien for sewer assess-

ments and sewer rentals, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Rathbone of Exeter, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Dodge of Dover, for the Committee on Insurance, to whom was referred House Bill No. 161, An act relative to bonds on public works, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 129, An act relative to charitable trusts, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Charitable Trusts.* Amend chapter 24 of the Revised Laws, as amended by chapter 181 of the Laws of 1943, by chapter 92 of the Laws of 1945 and by chapter 94 of the Laws of 1947, by inserting after section 13-a the following new section: 13-a. *Director.* A director of charitable trusts, who shall be a member of the bar, shall be appointed by the governor, with the advice and consent of the council, for a term of five years and until his successor is appointed and qualified. Any vacancy shall be filled for the unexpired term. The governor and council may remove the director at any time for proper cause. The director, under the supervision of the attorney-general, shall have and exercise all the common law and statutory rights, duties and powers of the attorney-general in connection with the supervision, administration and enforcement of charitable trusts. He shall file with the attorney-general and the secretary of state a biennial report on Decem-

ber first of the year preceding each biennial session of the general court. His compensation shall be three thousand five hundred dollars per annum.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriation under the rules.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 57, An act relative to unemployment compensation reciprocal arrangements, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Eldredge of Exeter, for the Committee on Military and Veterans' Affairs, to whom was referred House Bill No. 20, An act relative to payment of bonus for war service, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Eldredge of Exeter, for the Committee on Military and Veterans' Affairs, to whom was referred House Bill No. 50, An act relative to the burial of veterans, having considered the same, reported the same with the following amendment, and with the recommendation that the bill as amended ought to pass:

Amend section 1 of the bill by inserting before the word "and" in the eleventh line the words, between April 21, 1898 and April 11, 1899 for Spanish War service; April 6, 1917 and July 2, 1921, World War I service; December 8, 1941 and December 31, 1946, World War II service, so that said section as amended shall read as follows:

1. *Veterans*. Amend section 16, chapter 124 of the Revised Laws as amended by chapter 102 of the Laws of 1943, chapter 88, Laws of 1945, and chapter 214, Laws of 1947, by striking out the same and inserting in place thereof the following: 16. *Burial Expenses*. Whenever any member or former member of the armed forces of the United States, who served in any war or armed conflict in which the United States has been engaged, for a total period of ninety days (unless

sooner released from such service by reason of disability incurred in service) between April 21, 1898 and April 11, 1899 for Spanish War service; April 6, 1917 and July 2, 1921, World War 1 service; December 8, 1941 and December 31, 1946, World War II service, and whose services were terminated under conditions other than dishonorable, dies and the commander and adjutant of any recognized veterans organization of which he was a member, or the majority of the selectmen of the town or the mayor of the city in which such veteran dies, if he or she was not a member of such organization, shall certify under oath to the state veterans' council that such veteran did not leave sufficient estate to pay the expenses of his or her funeral, the governor shall draw a warrant in favor of the commander or adjutant, selectmen, or mayor, for a sum not exceeding one hundred dollars to defray such burial expenses, provided that the total amount of the funeral expense does not exceed four hundred dollars. Within one year from the time of burial of said veteran an account, verified by vouchers, of the sums so spent for burial expenses shall be sent to the state veterans' council by said commander, adjutant, selectmen, city council or mayor. Whoever neglects or refuses to furnish said account shall be fined ten dollars.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Smith of Meredith, for the Committee on Municipal and County Government, to whom was referred House Bill No. 19, An act relating to incompatibility of town offices, reported the same with the following amendment, and with the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by inserting after the word "taxes" in the sixth line the word, auditor; further amend by inserting after the words "office of" in the seventh line the words, town clerk, town treasurer, so that said section as amended shall read as follows:

1. *Town Offices.* Amend section 43, chapter 59, Revised Laws, by striking out the same and inserting in place thereof the following: 43. *Incompatibility.* No person shall at the same time hold any two of the following offices: selectman, treasurer, collector of taxes, auditor and highway agent; no person shall at the same time hold the office of town clerk, town treasurer, selectman and head of any police department

on full time duty; and no official handling funds of a town shall at the same time hold the office of auditor.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Lucy of Conway, for the Committee on Municipal and County Government, to whom was referred House Bill No. 134, An act legalizing certain town meetings in the town of Freedom, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Thibodeau of Wolfeboro, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 81, An act relative to privileged communications from prisoners of state prison, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 21, An act relative to the Jewish Community Center of Manchester, New Hampshire, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by existing legislation.

The report was accepted, and the resolution of the committee adopted.

### **Monitors and Alternates**

The Speaker announced the following members as monitors and alternates:

#### **Division I**

Seats 1-15—Mr. Johnson of Northwood, Mr. Clark of Derry.

Seats 16-30—Mr. Barney of Rumney, Mr. Sargent of Danbury.

Seats 31-53—Mr. Malatras of Manchester, Mr. Adams of Greenfield.

**Division II**

Seats 1-20—Mr. Pickett of Keene, Mr. Willey of Camp-ton.

Seats 21-43—Mrs. Cooper of Nashua, Mrs. Taylor of Whitefield.

Seats 44-73—Mr. Carr of Northfield, Mrs. Gardner of Springfield.

Seats 74-91—Mr. Bellerose of Pembroke, Mr. Elliott of Milford.

**Division III**

Seats 1-20—Mr. Wadleigh of Milford, Mr. Nash of Concord.

Seats 21-44—Mrs. Graves of Brentwood, Mr. Nawn of Concord.

Seats 45-63—Mr. Converse of Pittsburg, Mr. Yerxa of Sutton.

Seats 64-86—Mr. Ferguson of Pittsfield, Mr. Ferrin of Concord.

Seats 87-111—Mr. Corbett of Concord, Mr. Shannon of Laconia.

**Division IV**

Seats 1-20—Mr. Holden of Hanover, Mrs. Brungot of Berlin.

Seats 21-44—Mr. Kennedy of Concord, Mr. Horne of Milton.

Seats 45-74—Mrs. Christiansen of Berlin, Mr. Hurd of Concord.

Seats 75-90—Mr. Bigelow of Pelham, Mr. Adams of Lebanon.

**Division V**

Seats 1-15—Mr. Bell of Plymouth, Mr. Hill of Conway.

Seats 16-30—Mr. Sartmarsh of Concord, Mr. Towle of Epsom.

Seats 31-55—Mr. Davis of Newton, Mr. Knox of Sandwich.

### Resolutions

Mr. Barry of Wilton offered the following resolution:

*Resolved*, That for the remainder of the session roll calls will commence in the county from which the member requesting the same comes and will proceed in order through the remaining counties in the order in which they appear on the printed roll call and will then return to the county at the beginning of the printed roll call and proceed to the point at which the roll call commenced.

The question being on the adoption of the resolution.

(Discussion ensued)

Mr. Pickett of Keene spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

### Senate Message

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 27, An act relative to compensation of the state classification plan and retirement system boards.

House Bill No. 32, An act relative to prohibiting releasing fish into certain waters.

House Bill No. 41, An act relating to the examination of sawmills by the state forester or his authorized agents.

House Bill No. 42, An act relating to expenses of the state forester in reforestation plans.

House Bill No. 55, An act relating to the attendance at county conventions by selectmen of towns not sending representatives.

House Bill No. 59, An act relative to definitions under the fish and game laws.

House Bill No. 78, An act relating to the powers of the village precinct of Hanover to install parking meters.

House Bill No. 88, An act relating to the penalty for embezzlement.

House Bill No. 106, An act relating to the reversion to towns of certain rights of way.



House Bill No. 110, An act relating to the dicontinuance of certain classes of highways.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 11, An act relative to use of town road aid of the Class IV highway.

### **Senate Bill Read and Referred**

Senate Bill No. 11, An act relative to use of town road aid of the Class IV highway.

Read a first and second time, and referred to the Committee on Public Works.

On motion of Mr. Wadleigh of Milford, the rules of the House were so far suspended as to allow business in order this afternoon to be in order at the present time, and the third readings of bills be by their titles only.

### **Third Readings**

House Bill No. 19, An act relating to incompatibility of town offices.

House Bill No. 23, An act relating to the disposal of dog license fees.

House Bill No. 50, An act relative to the burial of veterans.

House Bill No. 57, An act relative to unemployment compensation reciprocal arrangements.

House Bill No. 81, An act relative to privileged communications from prisoners of state prison.

House Bill No. 134, An act legalizing certain town meetings in the town of Freedom.

House Bill No. 149, An act relating to the lien for sewer assessments and sewer rentals.

House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans.

House Bill No. 161, An act relative to bonds on public works.

House Bill No. 223, An act to enlarge the powers of savings banks in making loans to veterans.

Severally read a third time and passed, and sent to the Senate for concurrence.

### Appointments to Standing Committees

The Chair announced the following appointments to the following committees:

Mr. Osborne of Weare, to the Committee on Insurance, in place of Mr. Downs of Conway, who desires to withdraw from that committee.

Miss Loizeaux of Plymouth, to the Committee on Engrossed Bills, in place of Mr. Cater of Somersworth, who desires to withdraw from that committee.

On motion of Mr. Saltmarsh of Concord at 11:50 o'clock the House adjourned.

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TUESDAY, FEBRUARY 8, 1949

The House met according to adjournment.

Prayer was offered by the Rev. Maurice Eugene Levy of the United Baptist Church of Concord.

O Thou Eternal and Ever-Present God, Who has created this new day and committed it unto us; grant that we may so live its hours that the sunset find us worthy Thy gifts to hold.

With this prayer we lift the Legislative Body into Thy Presence. These are Thy Sons and Daughters; they have undergone personal hardships and sorrows, just like those who have elected them; for their private needs we invoke Thy Fatherly care.

As Legislators bestow upon each one a keen remembrance that, elected by the people, they are here for the people. Endue them with courage, that, having resisted every evil influence during the sessions of this week they may again walk their own streets with head erect, deserving all men's respect.

When they face difficult decisions grant them insight and wisdom.

When they face human needs temper Thou their wisdom with compassion and understanding.

From the height of this sacred moment give them vision to see that nothing can be good that is evil in Thy sight, that for the conduct of this week's business they shall stand in Thy Holy Presence to render account, and that for righteousness there is Thy "Well done, thou good and faithful servant, enter thou into the joy of Thy Lord."

Bestow upon them Thy Fatherly blessing: bless them, keep them and enlighten them that they may be gracious to one another and be at peace with Thee, with their fellow men and with themselves.

This Prayer we lift in the Name of Christ for we believe it to be in His Spirit. Amen.

### **Introduced to House**

Cub Pack No. 104 and 291 of Manchester, Boy Scouts of America, were introduced to the House.

### **Leaves of Absence**

Messrs. Zimmerman of Keene and Walker of Hinsdale were granted leaves of absence for February 8th and 9th, on account of important business.

Messrs. Sommers of Holderness and Elliott of Milford were granted leaves of absence for the week on account of important business.

Mr. Black of Bennington was granted leave of absence for the week on account of illness.

### **Introduction of Bills and Joint Resolution**

The following bills and joint resolutions were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Myhaver of Peterborough, House Bill No. 378, An act relating to binder chains on loads of logs, lumber and timber. To the Committee on Transportation.

By Mr. Ferguson of Pittsfield, House Bill No. 379, An act relating to licensing of slot machines. To the Committee on Ways and Means.

By Mrs. Cooper of Nashua, House Bill No. 380, An act relative to competitive bidding for county purchases. To the Committee on Municipal and County Government.

By Mr. Stocklan of Dover, House Bill No. 381, An act relative to the salary of the special justice of the municipal court of Dover. To the Special Committee composed of the Dover Delegation.

By Mr. Evans of South Hampton, House Bill No. 382, An act legalizing the school meeting in the town of South Hampton. To the Committee on Municipal and County Government.

By Mr. Bartlett of Berlin, House Bill No. 383, An act relative to powers of the fish and game director. To the Committee on Fisheries and Game.

By Mr. Bartlett of Berlin, House Bill No. 384, An act increasing the number of brook trout which may be taken in one day. To the Committee on Fisheries and Game.

By Mr. Bartlett of Berlin, House Bill No. 385, An act relative to membership of the fish and game commission. To the Committee on Fisheries and Game.

By Mrs. Atwood of Sanbornton, House Bill No. 386, An act relative to reimbursement to counties and towns for certain public relief. To the Committee on Public Welfare and State Institutions.

By the Committee on Rules, House Bill No. 387, An act to establish a supervising, co-ordinating and inspection service for all state construction other than state highways. To the Committee on Executive Departments and Administration.

By the Committee on Rules, House Bill No. 388, An act authorizing the sale of certain property of the state in the town of Dorchester. To the Committee on Executive Departments and Administration.

By Mrs. Read of Plainfield, House Bill No. 389, An act relating to the transportation of pupils to and from the public schools and making an appropriation therefor. To the Committee on Education.

By Mr. Myhaver of Peterborough, House Bill No. 390, An act relating to state aid for the construction of new school buildings and making additions to existing buildings. To the Committee on Education.

By Mr. Laraba of Portsmouth, House Bill No. 391, An act relative to assessment of costs in criminal cases. To the Committee on Judiciary.

By Mr. Stocklan of Dover, House Bill No. 392, An act to amend the charter of the city of Dover. To the Special Committee composed of the Dover Delegation.

By Mr. Parmenter of Londonderry, House Bill No. 393, An act creating a state apple commission. To the Committee on Agriculture.

By the Committee on Rules, House Joint Resolution No. 21, Joint resolution reimbursing certain towns for forest fire expenses. To the Committee on Appropriations.

By Mr. Willey of Campton, House Joint Resolution No. 22, Joint resolution relative to correction of state and federal owned forest lands in the towns of Ellsworth and Campton. To the Committee on Forestry and Recreation.

By Messrs. Phelan of Stark, Ellingwood of Northumberland, Johnson of Milan, and Mrs. Brungot of Berlin, House Joint Resolution No. 23, Joint resolution relative to a road in the town of Stark. To the Committee on Public Works.

### Order Vacated

Mr. Spiller of New London moved that the rules be suspended, and the order whereby House Bill No. 287, An act relative to transportation of pupils to approved private schools, was referred to the Committee on Education be vacated, and the bill be referred to the Committee on Judiciary.

On a *viva voce* vote the motion prevailed.

### Committee Reports

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 53, An act relating to non-resident pupils in schools, reported the same with the amendment as printed in Thursday's Journal on pages five and six, and with the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 58, An act relating to the time for accounting for bounties by selectmen, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 92, An act validating bonds issued by Wallis Sands, Rye North Beach and Foss Beach District and changing the name of the district to Rye Water District, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Underwood of Hampton, for the Committee on Municipal and County Government, to whom was referred House Bill No. 11, An act authorizing the Rye school district to borrow money and to issue notes or bonds, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Suosso of Concord, for the Committee on Municipal and County Government, to whom was referred House Bill No. 12, An act authorizing the North Hampton school district to borrow money and to issue notes or bonds, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 27, An act relative to compensation of the State Classification Plan and Retirement System Boards.

House Bill No. 32, An act relative to prohibiting releasing fish into certain waters.

House Bill No. 41, An act relating to the examination of saw mills by the state forester or his authorized agents.

House Bill No. 42, An act relating to expenses of the state forester in reforestation plans.

House Bill No. 55, An act relating to the attendance at county conventions by selectmen of towns not sending representatives.

House Bill No. 59, An act relative to definitions under the fish and game laws.

House Bill No. 78, An act relating to the powers of the village precinct of Hanover to install parking meters. .

House Bill No. 88, An act relating to the penalty for embezzlement.

House Bill No. 106, An act relating to the reversion to towns of certain rights of way.

House Bill No. 110, An act relating to the discontinuance of certain classes of highways.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives.

House Bill No. 119, An act authorizing the city of Claremont to issue refunding bonds.

### Resolutions

Messrs. Pillsbury and Sullivan of Ward 6, of Manchester offered the following resolution:

*Whereas*, there is much public feeling in regard to the action of Hungary in the case of His Eminence Josef Cardinal Mindszenty, therefore be it

*Resolved*, That the House of Representatives condemn as unjust the arrest, confinement incommunicado and trial of His Eminence Joseph Cardinal Mindszenty, Roman Catholic primate of Hungary, and be it further

*Resolved*, That a copy of these resolutions be transmitted by the Clerk of the House of Representatives to the Secretary of State in Washington, D. C.

On a *viva voce* vote the resolution was adopted.

Mr. Roche of Manchester offered the following resolution:

*Whereas*, We have learned with sorrow of the death of John H. McShea, Sr., Representative from Ward 11, Manchester, therefore be it

*Resolved*, That we express our heartfelt sympathy to the family of our fellow member in its bereavement, and be it further

*Resolved*, That the Clerk of the House of Representatives transmit a copy of these resolutions to the widow, Mrs. McShea.

Messrs. Roche, Roukey, Pillsbury, Wedick, Sullivan of Ward 7, Getz and Sullivan of Ward 6, Committee on Resolutions.

The Speaker appointed the following named members to attend the funeral.

Messrs. Roukey, Wedick, Roche, Sullivan of Ward 7, Sullivan of Ward 6 and Getz.

### Resignation

Hon. Richard F. Upton  
Speaker, House of Representatives  
General Court of New Hampshire  
Concord, New Hampshire

DEAR MR. SPEAKER:

It is with sincere regret that I hereby tender my resignation as Representative from Ward 6, Concord, to the New Hampshire General Court to continue with my work here in Washington as a staff member of the United States Senate Committee on Appropriations.

Very truly yours,

RICHARD C. VENNE.

### Concurrent Resolution

Mr. Velishka of Nashua offered the following concurrent resolution:

*Resolved by the House of Representatives, the Senate concurring:*

That the United States Senators and members of the House of Representatives be and hereby are requested to endeavor to obtain for the state of New Hampshire federal funds for repairs and improvements for fish hatcheries in this state,

*Further Resolved*, That a copy of this resolution be forwarded to United States Senators Styles Bridges and Charles



W. Tobey, and Congressmen Norris Cotton and Chester Merrow.

The resolution was referred to the Committee on Fisheries and Game.

On motion of Mr. Wadleigh of Milford, the rules of the House were so far suspended as to allow business in order this afternoon to be in order at the present time, and the third reading of bills be by their titles only.

### Third Readings

House Bill No. 11, An act authorizing the Rye school district to borrow money and to issue notes or bonds.

House Bill No. 12, An act authorizing the North Hampton school district to borrow money and to issue notes or bonds.

House Bill No. 53, An act relating to non-resident pupils in schools.

House Bill No. 58, An act relating to the time for accounting for bounties by selectmen.

House Bill No. 92, An act validating bonds issued by Wallis Sands, Rye North Beach and Foss Beach District and changing the name of the district to Rye Water District.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mrs. Corliss of Manchester at 11:40 o'clock the House adjourned.

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WEDNESDAY, FEBRUARY 9, 1949

The House met according to adjournment.

Prayer was offered by the Rev. Whitney S. K. Yeaple, D.D., the N. H. Council of Churches.

God of our Fathers and our God:

Save us from grasping privilege the while we avoid responsibility. Open Thou our minds this day to truth, cleanse our hearts from evil and so strengthen our wills to serve the right that we may be kept from compromise and things half

done. We make this petition because of the trust which the people have put in us and also because of our own great need. Amen.

### Reconsideration

Mr. Scamman of Stratham served notice that today or on some subsequent day he would move that the House reconsider the vote whereby it passed House Bill No. 53, An act relative to non-resident pupils in schools.

Mr. Fuller of Hanover moved that the bill be reconsidered at the present time.

The question being on the motion to reconsider at the present time.

(Discussion ensued)

Messrs. Pickett of Keene and Scamman of Stratham spoke for the motion.

Messrs. Fuller of Hanover and Pillsbury of Manchester spoke against the motion.

On a *viva voce* vote the motion to reconsider prevailed.

### Recalled from the Senate

On motion of Mr. Scamman of Stratham House Bill No. 53 was recalled from the Senate.

On motion of Mr. Scammon the House rescinded the vote whereby the House passed House Bill No. 53.

The bill was put back on its third reading and recommitted to the Committee on Education.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Henderson of Durham, House Bill No. 394, An act relative to taking oysters from certain tidal waters. To the Committee on Fisheries and Game.

By Mr. Stapleton of Pittsfield, House Bill No. 395, An act relating to public welfare and relief. To the Committee on Municipal and County Government.

By Mr. Gagnon of Berlin, House Bill No. 396, An act relating to checklists in the city of Berlin. To the Special Committee composed of the Berlin Delegation.

By Mr. Couture of Allentown, House Bill No. 397, An act relating to reclassification of a certain highway in Allentown. To the Committee on Public Works.

By Mr. Baron of Claremont, House Bill No. 398, An act relating to vacancies in the city council of the city of Claremont.

By Mr. Angus of Claremont, House Bill No. 399, An act relative to minimum wage standards. To the Committee on Labor.

By the Committee on Rules, House Joint Resolution No. 24, Joint resolution appropriating money for renovation of the ventilating system in the House of Representatives. To the Committee on Appropriations.

### Committee Reports

Mr. Besse of Concord, for the Committee on Public Health, to whom was referred House Bill No. 64, An act pertaining to the practice of dentistry, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred Concurrent Resolution obtaining for the state federal funds for repairs and improvements for fish hatcheries in this state.

*Resolved by the House of Representatives, the Senate concurring:*

That the United States Senators and members of the House of Representatives be and hereby are requested to endeavor to obtain for the state of New Hampshire federal funds for repairs and improvements for fish hatcheries in this state,

*Further Resolved*, That a copy of this resolution be forwarded to United States Senators Styles Bridges and Charles W. Tobey, and Congressman Norris Cotton and Chester Merrow.

On a *viva voce* vote the concurrent resolution was adopted and sent to the Senate for concurrence.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 33, An act

relative to police powers of conservation officers, reported the same with the following amendment and with the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Powers of Conservation Officers.* Amend paragraph VI of section 25, chapter 240 of the Revised Laws by striking out said paragraph and inserting in place thereof the following: VI. To stop and to search without a warrant and to examine in the field, in the highway, at an airbase, or on the stream, any person, or any boat, conveyance, aircraft, vehicle, game bag, game coat, creel, crate, box, locker, or other receptacle, in the presence of the owner if reasonably possible, or any so-called fish house or bob house, in the presence of the occupant, for fish, game, or fur-bearing animals, when he has reasonable cause to believe that any fish, game, or fur-bearing animals subject to forfeiture, are concealed thereon or therein;

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 14, An act relating to pari mutuel pools at race meets, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the figure "1960" in the fifth line and also in the twelfth line and inserting in place thereof the figure, 1956, so that said section as amended shall read as follows:

1. *Pari Mutuel Pools.* Amend section 15 of chapter 171 of the Revised Laws, as amended by chapter 83, Laws of 1943 and chapter 117, Laws of 1945, by striking out the figure "1950" in the sixth line and inserting in place thereof the figure, 1956, so that said section as amended shall read as follows: 15. *Pari Mutuel Pools.* Within the enclosure of any race track where is held a race or race meet licensed and conducted under this chapter, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1941 to 1956, inclusive. Commissions on such pools shall in no event and at no track

exceed eleven and one-half per cent of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage," one-half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2. Said maximum shall include the five per cent tax hereinafter prescribed.

The report was accepted and the amendment adopted.

The question being, Shall the bill be read a third time?

Mrs. Atwood of Sanbornton demanded the yeas and nays, and the roll was called with the following result:

### Yeas, 318

**BELKNAP COUNTY:** Dearborn, Obert, Hart of Laconia, Simoneau, Keller, Shannon, Piper, Thompson of Laconia, Ewing, Ransom, Smith of Meredith, Bruno.

**CARROLL COUNTY:** Washburn, Downs, Lucy, Thompson of Effingham, MacGown, Wild, Banfield, Wiggin, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

**MERRIMACK COUNTY:** Couture, Phelps, Nicoll, Moore, Coakley, Ferrin, Besse, Flynn, Colbath, Suosso, Hurd, Corbett, Saltmarsh, Bunten, Roby, Blodgett, Nawn, Sawyer of Concord, Sargent, Towle, Chase, Burke, LaBranche of Franklin, Douphinette, Lorden, Dudevoir, Mullaie, Astles, Kenney, Spiller, Carr, Bellerose, Lea, Ferguson, Stapleton, Holmes of Salisbury, Savory, Stebbins.

**HILLSBOROUGH COUNTY:** Farwell, Ellsworth, Jones of Francestown, Tirrell, Adams of Greenfield, Doonan, English, Boynton, Crosby, Goodwin of Hollis, Goodwin of Hudson, Spaulding of Hudson, Corliss, Daniels of Manchester, Kennedy of Manchester, Danforth, Geisel, Connor of Manchester, Dwyer, Martel, Sweeney, Nolan, Betley, Kazakis, Malatras, O'Brien, Shea of Manchester, Casey, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Zyla, Heroux, O'Connor, Sullivan of Manchester, Ward 7, Delisle, Kane, Roy of Manchester, Simard, Cary, Gagnon of Manchester, Auger, Getz, McPhail, Roche, Roukey, LaFlamme of Manchester, Lareau, Vaillancourt, Daniel of Manchester, Gauthier, Thibodeau of Manches-

ter, Cannon, Donnelly, Wedick, Peaslee of Merrimack, Ather-ton, Cooper, Ramsdell, Boire, Landry, Belcourt, Brosnahan, Spalding of Nashua, Chasse, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Janelle, Cote, Shedd, Thompson of New Ipswich, Bigelow, Cummings of Peterborough, Barry.

CHESHIRE COUNTY: Ring, Dort, Thomas, Miller, Spofford, Aldrich, Willard, Amadon, Landers, Darling, Erwin, Smith of Keene, Turner, Pickett, Zimmerman, Hall, Forbes, Tolman, Andrews, Sherwin, Blake, Kershal, Lang, Killeen, Rhodes, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Angus, Converse of Claremont, Bissonnett, Hutchins, White, Baron, Simms, Stetson, Tewksbury, Riley, Walker of Grantham, Wirkkala, Cummings of Newport, Farmer, Rowell, Gardner of Springfield, Russell, Callum, Williams of Washington.

GRAFTON COUNTY: Brown of Ashland, Chamberlin of Bath, Whittier, Wheeler, Willey, Eggleston, Grass, Williams of Grafton, Atkins, Holden, Chamberlin of Haverhill, Clough, Perry of Haverhill, Oakes, Ashley, Cole, Dwinell, Jones of Lebanon, Edson, Madden, Collins, Hamilton, Gardner of Littleton, Orr, Dusik, Pushee, Roberts, Bell, Loizeaux, Barney, Anderson.

COOS COUNTY: Dussault, Hinchey, Mason, Moffett, Desilets, Henderson of Berlin, Lazure, Brungot, Christiansen, Bouchard, Fontaine, Gagnon of Berlin, Roy of Berlin, Currier, Gould, Falkenham, Fraser, Kimball, Evans of Lancaster, Moses, Johnson of Milan, Baxter, Ellingwood, Potter, Converse of Pittsburg, Phelan, Baker, Hinman, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Persson, Hazel-ton, Fitch, Clark, Corson, Heon, Hepworth, Eldredge, Elwell, Rathbone, Richards, Weeks of Greenland, Root, Merrill, Underwood, Parmenter, LaBranche of Newmarket, Sewall, Davis, Carter of North Hampton, Johnson of Northwood, Colcord, Alessi, Dondero, Payette, Durell, Foote, Yeaton, Hobbs, Leary, Laraba, Ingraham of Portsmouth, Bluitte, Philbrick, Haigh, Peever, Durkee, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Redden, Stackpole, Gouin, Grimes, Marcotte, Felker, Smalley, Crandall, Dodge, Stocklan, Flanagan, Henderson of Durham, Parker, Webster, Horne, Rolfe, Jones of Rochester, St. Pierre, Lacasse, Studley, Fernald, Leach, Green of Rollinsford, Lageux, Letourneau, Coffin, Cater of Somersworth, Malley.

### Nays, 52

BELKNAP COUNTY: McAllister, Weeks of Gilford, Kelley of Gilmanton, Tilton of Laconia, Brown of Laconia, Smith of New Hampton, Atwood.

CARROLL COUNTY: Hill, Knox, Remick, Hodgdon.

MERRIMACK COUNTY: Hardy, Rancour, Marden, Kennedy of Concord, Nash, Tilton of Concord, Greene of Concord, Connor of Henniker, Yerxa.

HILLSBOROUGH COUNTY: Tracy, Wilson, Hambleton, Reed of Goffstown, Pillsbury, Sawyer of Manchester, Kean, Falconer, Wadleigh, Fletcher, Osborne.

CHESHIRE COUNTY: Perry of Jaffrey, Billings.

SULLIVAN COUNTY: Nelson, Holmes of Langdon, Read of Plainfield.

GRAFTON COUNTY: Wadhams, Dunbar, Fuller, Adams of Lebanon, Kelley of Littleton, Sawyer of Woodstock.

COOS COUNTY: Hamlin of Dummer.

ROCKINGHAM COUNTY: Sanborn of Fremont, Stevens, Carter of North Hampton, True, Evans of South Hampton.

STRAFFORD COUNTY: Swain, Wormhood, Dustin, Brown of Strafford.

And the bill was ordered to a third reading.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 19, An act authorizing the town of Temple to issue notes in payment for certain 1948 operating expenses.

### Senate Bill Read and Referred

Senate Bill No. 19, An act authorizing the town of Temple to issue notes in payment for certain 1948 operating expenses.

Read a first and second time, and referred to the Committee on Municipal Government.

Mr. Barry of Wilton moved that the rules of the House be so far suspended as to permit that the reference to a committee be dispensed with.

On a *viva voce* vote the motion was adopted.

Mr. Barry of Wilton moved that the rules of the House be so far suspended as to permit the bill to be put on its third reading by title and final passage at the present time.

On a *viva voce* vote the motion was adopted.

The bill was read a third time and passed, and sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives.

House Bill No. 5, An act relating to the audit of school district accounts.

### Resolution

Mr. Atherton of Nashua offered the following resolution:

*Whereas*, Tuesday, February 22, is Washington's Birthday, a legal holiday;

*Resolved*, That during said week the working days of the House shall be Wednesday, Thursday and Friday, February 23, 24 and 25.

On a *viva voce* vote the resolution was adopted.



### Interim Report

Hon. Richard F. Upton  
Speaker of the House  
State House  
Concord, New Hampshire

DEAR MR. SPEAKER:

We are submitting herewith the official report of the Interim Commission to study the project of a Port Authority for the State of New Hampshire, in accordance with the directive from the 1947 Legislature.

Respectfully yours,  
EDWARD ELLINGWOOD,  
*Clerk.*

The report was accepted:

On motion of Mr. Wadleigh of Milford, the rules of the House were so far suspended as to allow business in order this afternoon to be in order at the present time, and the third reading of bills be by their titles only.

### Third Readings

House Bill No. 14, An act relating to pari mutuel pools at race meets.

Read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Dwinell of Lebanon moved that the House reconsider the vote whereby it passed House Bill No. 14.

On a *viva voce* vote the negative prevailed.

House Bill No. 33, An act relative to police powers of conservation officers.

House Bill No. 64, An act pertaining to the practice of dentistry.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Holden of Hanover at 12:20 o'clock the House adjourned.

THURSDAY, FEBRUARY 10, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit. Make us godly for man's sake, and make us manly for Thy sake, that we may live as true sons of Thee among men. Help us, O God, to ever remember that we are not merely the representatives of a constituency that has sent us here to act for them, but that here and elsewhere, we are the ambassadors of the King of kings, representatives of the kingdom of heaven. Make us worthy of this high office, and thus assured of strength and ability to meet the duties and obligation of each day. We ask it in the name of Christ. Amen.

### **Introduced to Joint Convention**

The A Capella Choir of Keene High School, under the direction of Charles A. Woodbury, sang "Peace I Leave With You," Mrs. Beach, a New Hampshire composer.

The Choir were guests of Mr. Pickett of Keene.

### **Leave of Absence**

Mr. Besse of Concord was granted leave of absence for the day on account of illness.

### **Introduction of Bills**

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 400, An act to Revise the Charter of the city of Franklin. To the Special Committee composed of the Franklin Delegation.

By the Committee on Rules, House Bill No. 401, An act relating to notice of tax sales. To the Committee on Judiciary.

By Committee on Rules, House Bill No. 402, An act empowering the Superior Court to make orders for support in certain cases. To the Committee on Judiciary.

By the Committee on Rules, House Bill No. 403, An act relative to authority of the State Treasurer to issue short term

notes for the new toll road. To the Committee on Appropriations.

By Mr. Connor of Henniker, House Bill No. 404, An act relating to New England College. To the Committee on Education.

By Mr. Aldrich of Keene, House Bill No. 405, An act relative to destruction of papers of the health department. To the Committee on Executive Departments and Administration.

By Mr. Turner of Keene, House Bill No. 406, An act relating to the taxation of machinery. To the Committee on Ways and Means.

By Mrs. Cooper of Nashua, House Bill No. 407, An act relative to factor's liens. To the Committee on Judiciary.

By Mr. Brown of Laconia, House Bill No. 408, An act relative to making appropriations for and on behalf of the New Hampshire Wing, civil air patrol. To the Committee on Aviation.

By Mr. Fernald of Rochester, House Bill No. 409, An act reducing fee for combination resident hunting and fishing licenses. To the Committee on Fisheries and Game.

By Mr. Jones of Rochester, House Bill No. 410, An act changing the name of Peoples Building and Loan Association of Rochester to Peoples Co-operative Savings Bank of Rochester. To the Committee on Banks.

### Committee Reports

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred House Bill No. 207, An act relating to investments of savings banks, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out all of said section and inserting in place thereof the following: 1. *Deposit Books*. Amend paragraph VII of section 3 of chapter 310 of the Revised Laws by striking out said paragraph and inserting in place thereof the following:

"VII. *Deposit Books*. Notes secured by any book of deposit issued by any savings bank, or by any savings department of a state or national bank, existing under the laws of and located in any New England state or notes secured by the

shareholder's account any federal savings and loan association located in this state or any building and loan association of this state, provided that the investment in the case of banks, federal savings and loan associations and building and loan associations located in New Hampshire shall not be in excess of one hundred per cent and in the case of banks located in the other New England states, shall not be in excess of ninety per cent of the withdrawal value of the deposit evidenced thereby."

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred House Bill No. 238, An act relative to legal investments of savings banks, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Hill of Conway, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 174, An act to provide for voting by ballot on transferring powers of collector of taxes to town manager, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carter of Somersworth, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 195, An act relative to crossing state lands by public utilities, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carter of Somersworth, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 262, An act relative to questions appearing upon official ballots, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Sawyer of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 153, An act relating to fiduciaries, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Fiduciaries.* Amend section 18 of chapter 363 of the Revised Laws as amended by section 4, chapter 364, Laws of 1947, by striking out said section and inserting in place thereof the following: 18. *Filing Account.* Every trustee shall file in the probate court an annual account of administration, unless upon petition he is excused by the judge of probate; but in no event shall he be excused for a period longer than three years, except that in cases where such filing may be impractical and may work financial hardship to the trust estate the judge of probate upon written approval of the attorney-general may extend said period. Such annual account of administration provided for herein may be allowed by the judge of probate without publication unless he shall otherwise order. Before giving notice to settle a final account the trustee shall file it in the probate office and shall cause the fact of such filing to appear in the notice and shall at the same time file a statement of the names and residences of the beneficiaries in the trust estate.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 154, An act providing for the appointment of temporary guardians, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 69, An act relative to unemployment compensation benefits and benefit eligibility conditions, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Increase in Benefits.* Amend subsection B, section 2 of chapter 218 of the Revised Laws, as amended by section 5, chapter 56 of the Laws of 1943, section 1, chapter 78 of the Laws of 1945, section 7, chapter 59 of the Laws of 1947, by striking out the whole of the same and inserting in place thereof the following: B. Weekly Benefit Amount for Total Unemployment and Maximum Total Amount of Benefits Payable During Any Benefit Year.

(1) Each eligible individual who is totally unemployed in any week shall be paid with respect to such week benefits in the amount shown in column B of the schedule delineated in this paragraph on the line on which in column A there is indicated the individual's annual wage class except as otherwise provided in paragraph (2) of this subsection. The maximum total amount of benefits payable to any eligible individual during any benefit year shall be in the amount shown in column C of the schedule delineated in this paragraph on the line on which in column A there is indicated the individual's annual wage class except as otherwise provided in paragraph (2) of this subsection.

A	B	C
Total Annual Earnings In Base Period	Weekly Benefit Amount	Maximum Benefits
\$200.00 — \$299.99	\$6	\$138
300.00 — 349.99	7	161
350.00 — 399.99	8	184
400.00 — 499.99	9	207
500.00 — 599.99	10	230
600.00 — 699.99	11	253
700.00 — 799.99	12	276
800.00 — 899.99	13	299
900.00 — 999.99	14	322
1000.00 — 1099.99	15	345
1100.00 — 1199.99	16	368
1200.00 — 1299.99	17	391
1300.00 — 1399.99	18	414
1400.00 — 1499.99	19	437
1500.00 — 1599.99	20	460
1600.00 — 1699.99	21	483
1700.00 — 1799.99	22	506
1800.00 — 1899.99	23	529
1900.00 — 1999.99	24	552
2000.00 — and over	25	575

(2) If at any time the fund shall fail to equal or fail to exceed twelve million dollars and shall be maintained at less than that figure for a period of two consecutive calendar months, each eligible individual who is totally unemployed in any week shall be paid with respect to such week benefits in the amount shown in column B of the schedule delineated in this paragraph on the line on which in column A there is indicated the individual's annual wage class. The maximum total amount of benefits payable to any eligible individual during any benefit year shall be the amount shown in column C of the schedule delineated in this paragraph on the line on which in column A there is indicated the individual's annual wage class. The schedule delineated in this paragraph shall take effect on the first day of the month immediately following the two-month period in this paragraph above mentioned.

A	B	C
Total Annual Earnings In Base Period	Weekly Benefit Amount	Maximum Benefits
\$200.00 — \$299.99	\$5	\$105
300.00 — 349.99	6	126
350.00 — 399.99	7	147
400.00 — 499.99	8	168
500.00 — 599.99	9	189
600.00 — 699.99	10	210
700.00 — 799.99	11	231
800.00 — 899.99	12	252
900.00 — 999.99	13	273
1000.00 — 1099.99	14	294
1100.00 — 1199.99	15	315
1200.00 — 1299.99	16	336
1300.00 — 1399.99	17	357
1400.00 — 1499.99	18	378
1500.00 — 1599.99	19	399
1600.00 — 1699.99	20	420
1700.00 — and over	21	441

(3) It being further provided that in the event the provisions of paragraph (2) of this subsection become effective, the provisions of paragraph (1) of this subsection shall not again become effective for any benefit year thereafter unless the fund shall equal or exceed twelve million dollars during

the two consecutive months immediately preceding the beginning of that benefit year.

Amend paragraph (2) of section 2 by striking out the word "three" and inserting in place thereof the word, two, so that said paragraph as amended shall read as follows:

(2) Unless he has annual earnings of not less than two hundred dollars within the base period in accordance with subsection P (2) of section 1.

The report was accepted.

The reading of the amendment having commenced, on motion of Mr. Rowell of Newport, the rules were suspended, and further reading of the amendment was dispensed with.

The amendment was adopted, and the bill ordered to a third reading.

Mr. Eldridge of Exeter, for the Committee on Military and Veterans' Affairs, to whom was referred Senate Bill No. 4, An act relating to copies of public records required by veterans administration, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Philbrick of Rye, for the Committee on Public Works, to whom was referred House Bill No. 178, An act relative to cutting or removal of shade or ornamental trees within the limits of the highway by public utilities, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by existing legislation.

The report was accepted, and the resolution of the committee adopted.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 234, An act relating to registration of motor vehicles by amputees, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 75, An act



regulating the height of vehicles, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of the bill by striking out the words "carrying lumber, logs and timber" so that said title as amended shall read as follows:

An act regulating the height of vehicles.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Motor Vehicles.* Amend chapter 119 of the Revised Laws by inserting after section 38 the following new section: 38-a. *Height.* No vehicle whose total height including load is greater than thirteen feet six inches shall be operated on the highways of this state.

The report was accepted.

The question being on the amendment.

Mr. Marden of Chichester moved that the bill with the amendment pending, be laid upon the table.

On a *viva voce* vote the motion prevailed.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable materials, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the word "materials" and inserting in place thereof the word, liquids, so that said title as amended shall read as follows:

An act relative to the operation of a motor vehicle transporting inflammable liquids.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Motor Vehicle Operation.* Amend chapter 119 of the Revised Laws by inserting after section 48 the following new section: 48-a. *Inflammable Liquids.* Any person operating any motor vehicle transporting inflammable liquids as a cargo upon a public highway shall upon approaching any railroad grade crossing bring said vehicle to a full stop within fifty-feet but not less than ten feet from the nearest rail of such railroad grade crossing and shall not proceed across said track

until it is definitely known that the way is clear and that no train, engine, motor or car is approaching. Any person convicted of a violation of any provision of this section shall be fined not more than twenty-five dollars for the first offense and not more than one hundred dollars for any subsequent offense committed during any calendar year, and for such conviction hereunder the commissioner may revoke his license to operate a motor vehicle and no new license shall be issued to such person for at least ninety days after the date of such revocation.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Brungot of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 22, An act establishing the Merrimack River Valley Power Authority and defining its powers and duties, reported the same with the following resolution :

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Kazikas of Manchester offered the following resolution :

*Whereas*, A New England interstate compact on flood control has recently been signed.

*Whereas*, A St. Lawrence Waterway Project bill is now pending in the Congress of the United States.

*Whereas*, Various bills encompassing flood control and public power production are either pending or rumored in the current legislative sessions of our states of Massachusetts and Vermont.

*Whereas*, The participation of the State of New Hampshire in any of the above outlined programs may be necessary or desirable.

*Therefore, Be It Resolved*, That the Commission on Interstate Co-operation be and hereby is requested :

1. To focus its attention on the matter of additional electrical power for the State of New Hampshire and the question whether there is need therefor.

2. To ascertain if any of the pending legislation both state and national has any bearing on the matter of additional electrical power.

3. To see if any legislation would be necessary or desirable on the part of the State of New Hampshire in order to participate in or to co-operate with Federal or interstate proposals for electrical power production or flood control, and to take such other action thereon as may be necessary to safeguard the interests of the state.

Mr. Pickett of Keene moved that the resolution be printed in the Journal, and made a Special Order for Tuesday, February 15, at 11:01 o'clock.

The question being on the motion.

(Discussion ensued)

Messrs. Pillsbury of Manchester, Turner of Keene, Sanborn of Wakefield and Spaulding of Hudson spoke against the motion.

Mr. Pickett of Keene spoke in favor of the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Pillsbury of Manchester moved that the resolution be referred to the Committee on Judiciary.

The question being on the motion.

(Discussion ensued)

Messrs. Kazikas and Pillsbury of Manchester spoke in favor of the motion.

On a *viva voce* vote the resolution was referred to the Committee on Judiciary.

### Communication from Speaker

Hon. Richard F. Upton  
Speaker of the House  
State House  
Concord, New Hampshire  
DEAR MR. SPEAKER:

We are submitting herewith a progress report on the Problems of Small Towns, in accordance with the directive from the 1947 Legislature.

Respectfully yours,

EDWARD ELLINGWOOD,  
*Executive Director.*

### Taken from the Table

On motion of Mr. Myhaver of Peterborough, House Bill No. 75, An act regulating the height of motor vehicles, was taken from the table.

The question being on the amendment reported by the committee.

Mr. Myhaver of Peterborough offered the following amendment to the amendment.

Amend section 1 of said bill as amended by striking out the words "six inches" in the sixth line so that said amendment as amended will read as follows:

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Motor Vehicles.* Amend chapter 119 of the Revised Laws by inserting after section 38 the following new section: 38-a. *Height.* No vehicle whose total height including load is greater than thirteen feet shall be operated on the highways of this state.

The question being on the amendment offered by Mr. Myhaver.

(Discussion ensued) .

Mr. Myhaver of Peterborough spoke in favor of the amendment.

On a *viva voce* vote the amendment to the amendment was adopted.

The question being on the amendment as amended.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 19, An act authorizing the town of Temple to issue notes in payment for certain 1948 operating expenses.

House Bill No. 5, An act relating to the audit of school district accounts.

House Bill No. 119, An act authorizing the city of Claremont to issue refunding bonds and validating outstanding bonds and notes.

House Bill No. 30, An act naming the John Stark Highway.

House Bill No. 3, An act relative to having or carrying loaded guns.

House Bill No. 86, An act repealing the provisions whereby conservation officers may accept fines in the field.

House Bill No. 167, An act relative to town road aid.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate concurred with the House of Representatives in the passage of the following House bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 60, An act relative to state fish and game refuges.

Amend section 3 of the bill by striking out in line 4, after "12-c" the words and by striking out the word "loaded" in the third line, so that said section as amended shall read as follows" ; and by inserting after the word "a" in the tenth line, the word loaded; so that said section as amended shall read as follows:

3. *Special Regulations.* Amend section 14 of chapter 246 of the Revised Laws by adding after the word "refuge" in the first line the words, except as may be permitted under section 12-c. 14. *Penalty.* Any person found upon a state game refuge, except as may be permitted under section 12-c, or upon any land under the control of the director, which has been established by him as an area for the propagation of game, having in his possession a loaded firearm, shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.

The question being on the amendment sent down from the Honorable Senate.

Mr. Fernald of Rochester moved that the House non-concur in the amendment and a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed.

The Speaker appointed as members on such committee, Messrs. Fernald of Rochester, Converse of Pittsburg, and Toleman of Nelson.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 30, An act naming the John Stark Highway.

House Bill No. 34, An act relative to having or carrying loaded guns.

House Bill No. 86, An act repealing the provision whereby conservation officers may accept fines in the field.

House Bill No. 167, An act relative to town road aid.

The message further stated that the Senate had passed the following joint resolution, in the passage of which it asked the concurrence of the House of Representatives

Senate Joint Resolution No. 3, Joint resolution providing for the reclassification of state employees.

### **Senate Joint Resolution Read and Referred**

Senate Joint Resolution No. 3, Joint resolution providing for the reclassification of state employees.

Read a first and second time and referred to the Committee on Appropriations.

### **Resolutions**

Mr. Ingham of Winchester offered the following resolution:

*Whereas*, we have learned of the death of E. James Winslow, Representative from Keene, therefore be it

*Resolved*, That the Speaker appoint a committee of five to submit resolutions, and be it further

*Resolved*, That the Speaker appoint a delegation to attend the funeral services, and that the Clerk of the House be instructed to procure a floral tribute.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee, Messrs. Aldrich of Keene, Dort of Wakefield, Erwin of Keene, Blake of Swanzey and Pickett of Keene.

The Speaker appointed the delegation from Keene to attend the funeral.

Mr. Downey of Manchester offered the following resolution:

*Whereas*, We have learned of the death of Mrs. Catherine Healy, mother of Jeremiah Healy, member of the House of Representatives from Manchester.

*Therefore Be It Resolved*, That we extend our heartfelt sympathy to our fellow member in his bereavement, and be it further

*Resolved*, That the Clerk of the House of Representatives transmit a copy of these resolutions to Mr. Healy.

The resolution was unanimously adopted by a rising vote.

Messrs. Shea, Sullivan of Ward 7, Malatras, Sullivan of Ward 6, O'Brien and Heroux of Manchester were appointed as members on the resolution.

Mrs. Cooper of Nashua offered the following resolution:

*Resolved*, That when we adjourn today we do so in respect to our deceased member, Mr. E. James Winslow of Keene.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Wadleigh of Milford, the rules of the House were so far suspended as to allow business in order this afternoon to be in order at the present time, and the third reading of bills be by their titles only.

### Third Readings

House Bill No. 69, An act relative to unemployment compensation benefits and benefit eligibility conditions.

House Bill No. 75, An act regulating the height of vehicles carrying lumber, logs and timber.

House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable materials.

House Bill No. 153, An act relating to fiduciaries.

House Bill No. 154, An act providing for the appointment of temporary guardians.

House Bill No. 174, An act to provide for voting by ballot on transferring powers of collector of taxes to town manager.

House Bill No. 195, An act relative to crossing state lands by public utilities.

House Bill No. 207, An act relating to investments of savings banks.

House Bill No. 234, An act relating to registration of motor vehicles by amputees.

House Bill No. 238, An act relative to legal investments of savings banks.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 4, An act relating to copies of public records required by veterans' administration.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Banfield of Moultonboro at 12:30 o'clock the House adjourned.

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TUESDAY, FEBRUARY 15, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O Merciful God and Heavenly Father, who hast taught us in Thy Holy Word that Thou dost not willingly afflict or grieve the children of men; in these days of hardship and bereavement, we implore Thy aid and Thy blessing. Remember those, O Lord, in another part of our land who suffer because of extreme weather conditions; and we aspecially ask Thee to remember the families made sad by the passing of members of this body. Out of hardship and loss, pain and bereavement, may there be enkindled in the hearts of men and women a deeper sense of Thy mercy and goodness, and a stronger faith in things eternal; through Him who suffered unto death. Amen.



### Leaves of Absence

Mr. Hobbs of Portsmouth was granted leave of absence for the day on account of important business.

Mr. Perry of Jaffrey was granted leave of absence for the day on account of illness.

Mr. Nelson of Goshen was granted leave of absence for the week on account of illness in the family.

### Communication

The following letter was read by the Speaker:

February 12, 1949

DEAR GOVERNOR ADAMS:

I want you and the members of the New Hampshire Legislature to know that I am deeply grateful for the congratulations and good wishes on the Inaugural extended to me through that Resolution which I have just received. As I stated in the Address, it is my deep resolve to do all I can for the welfare of this Nation and for the peace of the world, and it helps tremendously to have these expressions of friendliness and good will. Many thanks to you and the members of this legislative body.

Very sincerely yours,

/s/ HARRY TRUMAN.

Honorable Sherman Adams,  
Governor of New Hampshire,  
Concord,  
New Hampshire.

### Concurrent Resolution

Mr. Pillsbury of Manchester offered the following concurrent resolution, Concurrent resolution to provide for a study and report of power development possibilities in New Hampshire.

*Resolved by the House of Representatives, the Senate concurring:*

1. *Study.* The State Planning and Development Commission shall make a study of various existing reports and make other necessary inquiry relating to the possibility of power development in New Hampshire along the Merrimack river and its tributaries and other rivers and streams which

flow within the state borders. The commission shall study any available sites for power development which may be brought to its attention, giving attention to the amount of firm power which may be developed, the portion of the year for which such power would be available, the impact of power development upon the immediate area, the tax loss resulting from the pondage created by any dam construction, and the probable cost of power development at per kilowatt hour rates.

2. *Report.* The Commission shall make a full report of its findings to the 1951 session of the Legislature. It shall present with its report a map of the rivers of the state showing existing power facilities and all potential power development sites. In describing any proposed sites, the Commission shall map the pondage area and attempt to show the effect of such development upon settled area. The report shall detail also the possible use of existing flood control facilities for storage use of power development.

3. *Procedure.* In the carrying out of the directives of this resolution, the Commission shall make full use of the facilities of the Water Resources Board and the Public Service Commission. The latter agencies are directed to make available to the Planning and Development Commission any studies prepared for the state which may be pertinent to this study. The New Hampshire Delegation to the national Congress is requested to solicit the aid of the Corps of Engineers of the United States Army and of other federal agencies in furthering this study.

The concurrent resolution was ordered printed in the Journal and referred to the Committee on Judiciary.

### Reconsideration

Mr. Kazakis of Manchester moved that the House reconsider the vote whereby the House voted as inexpedient to legislate House Bill No. 22, An act establishing the Merrimack River Valley Power Authority and defining its powers and duties.

The question being on the motion to reconsider.

(Discussion ensued)

Messrs. Kazakis of Manchester, Velishka of Nashua, Angus of Claremont, Bellerose of Pembroke and Flanagan of Dover spoke in favor of the motion.

Messrs. Sullivan, Ward 6 of Manchester and Spaulding of Hudson spoke against the motion.

Mr. Spaulding of Hudson moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to reconsider.

Mr. Kazakis of Manchester asked for a division.

A division being had, 146 members having voted in the affirmative and 181 members having voted in the negative, the motion to reconsider did not prevail.

Mr. Kazakis demanded the yeas and nays and the roll was called with the following result:

### Yeas, 165

HILLSBOROUGH COUNTY: Black, Farwell, Adams of Greenfield, Goodwin of Hudson, Corliss, Dwyer, Martel, Sweeney, Fitzgerald, Kean, Nolan, Betley, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of Manchester, Casey, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Zyla, Downey, Heroux, Leclerc, Sullivan of Manchester, Ward 7, Delisle, Kane, Roy of Manchester, Simard, Cary, Gagnon of Manchester, Auger, McPhail, Roche, Roukey, April, LaFlamme of Manchester, Lareau, Vaillancourt, Chapdelaine, Daniel of Manchester, Gauthier, Thibodeau of Manchester, Cannon, Donnelly, Fletcher, Boire, Landry, Belcourt, Brosnahan, Spaulding of Nashua, Chasse, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Janelle, Velishka, Cote, Bigelow, Barry.

CHESHIRE COUNTY: Ring, Dort, Willard, Darling, Erwin, Smith of Keene, Pickett, Zimmerman, Lang, Killeen, Rhodes.

SULLIVAN COUNTY: Angus, Baron, Simms, Stetson, Riley, Walker of Grantham, Wirkkala, Cummings of Newport, Farmer, Russell.

GRAFTON COUNTY: Sommers, Oakes, Ashley, Madden, Dusik.

COOS COUNTY: Dussault, Hinchey, Moffett, Desilets, Henderson of Berlin, Lazure, Christiansen, Bouchard, Fontaine, Gagnon of Berlin, Roy of Berlin, Falkenham, Moses, Johnson of Milan, Baxter, Hinman.

ROCKINGHAM COUNTY: Fitch, Clark, Corson, Heon, Fecteau, Rathbone, Sanborn of Fremont, LaBlanche of Newmarket, Sewall, Alessi, Dondero, Payette, Durell, Foote, Leary, Ingraham of Portsmouth, Waterhouse.

STRAFFORD COUNTY: Redden, Stackpole, Gouin, Grimes, Marcotte, Crandall, Dodge, Flanagan, Jones of Rochester, Cartier of Rochester, St. Pierre, Lacasse, Leach, Green of Rollinsford, Lagueux, LeTourneau, Coffin, Cater of Somersworth.

BELKNAP COUNTY: Normandin, Simoneau, Brown of Laconia.

CARROLL COUNTY: Downs, Thompson of Effingham, Wiggin.

MERRIMACK COUNTY: Couture, Phelps, Coakley, Ferrin, Corbett, Chase, Burke, LaBranche of Franklin, Douphinette, Lorden, Dudevoir, Mullaïre, Bellerose, Holmes of Salisbury.

### Nays, 193

HILLSBOROUGH COUNTY: Tracy, Wilson, Ellsworth, Jones of Francestown, Hambleton, Reed of Goffstown, Tirrell, Doonan, English, Boynton, Crosby, Goodwin of Hollis, Spaulding of Hudson, Daniels of Manchester, Danforth, Pillsbury, Sullivan of Manchester, Ward 6, Getz, Wedick, Peaslee of Merrimack, Elliott, Falconer, Wadleigh, Atherton, Cooper, Ramsdell, Shedd, Thompson of New Ipswich, Cummings of Peterborough, Myhaver, Osborne.

CHESHIRE COUNTY: Thomas, Miller, Spofford, Aldrich, Amadon, Landers, Turner, Hall, Forbes, Tolman, Andrews, Sherwin, Blake, Kershaw, Billings, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Converse of Claremont, Bissonnett, Hutchins, Tewksbury, Holmes of Langdon, Rowell, Read of Plainfield, Gardner of Springfield, Williams of Washington.

GRAFTON COUNTY: Brown of Ashland, Chamberlin of Bath, Whittier, Wheeler, Willey, Eggleston, Dunbar, Grass, Williams of Grafton, Atkins, Fuller, Holden, Chamberlin of Haverhill, Clough, Perry of Haverhill, Adams of Lebanon, Dwinell, Jones of Lebanon, Collins, Hamilton, Gardner of

Littleton, Kelley of Littleton, Orr, Pushee, Roberts, Bell, Loizeaux, Barney, Anderson, Sawyer of Woodstock.

COOS COUNTY: Mason, Currier, Gould, Hamlin of Dummer, Fraser, Kimball, Evans of Lancaster, Ellingwood, Converse of Pittsburg, Phelan, Baker, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Persson, Hazelton, Hepworth, Eldredge, Elwell, Richards, Weeks of Greenland, Root, Underwood, Stevens, Parmenter, Davis, Carter of North Hampton, Johnson of Northwood, Colcord, Yeaton, Laraba, Bluitte, Philbrick, Haigh, Peever, True, Durkee, Evans of South Hampton, Scamman.

STRAFFORD COUNTY: Swain, Felker, Smalley, Henderson of Durham, Parker, Webster, Wormhood, Horne, Rolfe, Dustin, Studley, Fernald, Brown of Strafford.

BELKNAP COUNTY: Perkins, McAllister, Dearborn, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Tilton of Laconia, Keller, Shannon, Piper, Thompson of Laconia, Ewing, Ransom, Smith of Meredith, Atwood.

CARROLL COUNTY: Washburn, Lucy, Wild, Banfield, Knox, Remick, Hodgdon, Sanborn of Wakefield, Hart of Wolfboro, Thibodeau of Wolfboro.

MERRIMACK COUNTY: Hardy, Nicoll, Moore, Rancour, Marden, Besse, Colbath, Kennedy of Concord, Suosso, Hurd, Nash, Saltmarsh, Tilton of Concord, Bunten, Greene of Concord, Roby, Blodgett, Nawn, Sawyer of Concord, Sargent, Towle, Connor of Henniker, Kenney, Spiller, Carr, Ferguson, Yerxa, Savory, Stebbins.

The motion to reconsider did not prevail.

### **Excused from Voting**

Mrs. Brungot of Berlin was excused from voting on the roll call.

### **Introduction of Bills**

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Brown of Ashland, House Bill No. 411, An act relative to transfer of funds from the town to the school district in Ashland.

Read a first and second time.

On motion of Mr. Pickett of Keene the rules were suspended, reference to committee and printing dispensed with.

On motion of the same member the rules were further suspended, the bill was read a third time by title and passed and sent to the Senate for concurrence.

By Mr. Pickett of Keene, House Bill No. 412, An act creating a state board of examiners of electricians. To the Committee on Judiciary.

By Mr. Underwood of Hampton, House Bill No. 413, An act establishing the New Hampshire sea and shore fisheries department. To the Committee on Fisheries and Game.

By Mr. Suosso of Concord, Ward 4, House Bill No. 414, An act providing a council-manager plan charter for the city of Concord. To a Special Committee composed of the Concord Delegation.

By Mr. Tolman of Nelson, House Bill No. 415, An act relative to taking wild deer in certain counties of the state. To the Committee on Fisheries and Game.

By Mr. Hill of Conway, House Bill No. 416, An act relative to reports by town clerks. To the Committee on Municipal and County Government.

By Mr. Turner of Keene, House Bill No. 417, An act relative to taxation of property. To the Committee on Ways and Means.

By Mr. Wheeler of Bristol, House Bill No. 418, An act relative to protection of illegitimate children. To the Committee on Public Welfare and State Institutions.

By Mr. Killeen of Walpole, House Bill No. 419, An act relative to town appropriations for hospitals. To the Committee on Municipal and County Government.

By Mr. Pillsbury of Manchester, Ward 2, House Bill No. 420, An act relating to the redistricting of senatorial districts. To the Committee on Judiciary.

By Mr. Tolman of Nelson, House Bill No. 421, An act increasing the bag limit on wild deer. To the Committee on Fisheries and Game.

By Mr. Thompson of Effingham, House Bill No. 422, An act relative to trespassing on posted land. To the Committee on Fisheries and Game.

By Mr. Kazakis of Manchester, House Bill No. 423, An act relative to meters for taxicabs. To the Committee on Municipal and County Government.

By Mr. Kelley of Littleton, House Bill No. 424, An act relative to registration of outboard motors. To the Committee on Transportation.

### Committee Reports

Mr. Remick of Tamworth, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 17, An act changing the date of Labor Day, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out said section and inserting in place thereof the following:

2. *Takes Effect.* This act shall take effect upon proclamation by the governor whenever he shall find that similar legislation has been adopted by a majority of the other New England states, namely: Maine, Vermont, Massachusetts, Connecticut and Rhode Island.

The undersigned, a minority of the committee, to whom was referred House Bill No. 17, An act changing the date of Labor Day, and being unable to agree with the majority, report the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

ROBERT ENGLISH,  
ISMOND D. ELLINGWOOD,  
JOHN B. EVANS,  
ERNEST I. BIGELOW,

*A Minority of the Committee.*

Mr. English of Hancock moved that the report of the minority "inexpedient to legislate" be substituted for the report of the majority "ought to pass."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. English of Hancock, Pillsbury of Manchester, Lea of Pembroke, and Martel of Manchester spoke in favor of the motion.

Messrs. Dort of Chesterfield, Sanborn of Sanbornville, Hart of Wolfeboro and Fernald of Rochester spoke against the motion.

Mr. Pickett of Keene moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

A division being had, 233 members having voted in the affirmative and 76 members having voted in the negative, the motion to substitute prevailed.

The question being on the report of the minority of the committee, "inexpedient to legislate."

On a *viva voce* vote the motion prevailed.

### Reconsideration

Mr. Pillsbury of Manchester moved that the House reconsider the vote whereby it voted as inexpedient to legislate House Bill No. 17, An act changing the date of Labor Day.

On a *viva voce* vote the motion did not prevail.

Mr. Green of Rollinsford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 77, An act relative to revocation of the city manager law by a city, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Municipal and County Government, to whom was referred House Bill No. 77, An act relative to revocation of the city manager law by a city, having considered the same, and being unable to agree with the majority, report the same with the recommendation that the bill ought to pass.

JOSEPH F. ECKER,

E. E. RHODES, JR.,

L. E. MOSES,

VAN H. GARDNER,

MAURICE REDDEN,

*A Minority of the Committee.*



Mr. Ecker of Manchester moved that the report of the minority "ought to pass" be substituted for the report of the majority "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Ecker of Manchester, Pickett of Keene, Pillsbury of Manchester, Turner and Aldrich of Keene, spoke in favor of the motion.

Messrs. Underwood of Hampton, Clough of Haverhill, Sawyer of Manchester and Lea of Pembroke, spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Pickett of Keene asked for a division.

A division being had, 142 members having voted in the affirmative, and 145 members having voted in the negative, the motion to substitute did not prevail.

Mr. Pickett of Keene asked for another division.

A second division being had, 179 members having voted in the affirmative, and 156 members having voted in the negative, the motion to substitute the report of the committee "inexpedient to legislate," for the minority report, "ought to pass" prevailed.

Mr. Pickett of Keene offered the following amendment:

Amend section 2 (of the printed bill) by striking out in the last line the words "preceding city election" and inserting in place thereof the words, last preceding election; further amend by adding at the end of said section the words, provided however, that such meeting as herein provided shall not be holden more than once in any calendar year, so that said section as amended shall read as follows:

2. *Petition.* Amend chapter 67 of the Revised Laws by inserting after section 11 as hereinbefore amended the following new section: 11a. *Special City Meeting.* Upon petition therefor by three per cent of the legal voters as appearing on the check list used at the preceding election, the city councils or board of mayor and aldermen shall call a special city meeting within thirty days from the date of receipt of petition, to see if the city will rescind its action in adopting the provisions of this chapter; at such special meeting the check list shall be the same as the one used at the last preceding election pro-

vided however, that such meeting as herein provided shall not be holden more than once in any calendar year.

The question being on the amendment.

(Discussion ensued)

Mr. Pickett of Keene spoke in favor of the amendment.

Mr. Sawyer of Manchester spoke against the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Pillsbury of Manchester offered the following amendment:

*Provided Further*, That no such special election, for the purpose of removing a city manager, shall be held within 24 months of the adoption of a city manager.

The question being on the amendment.

(Discussion ensued)

Mr. Pillsbury spoke for the amendment.

Mr. Jones of Lebanon spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

The question being, Shall the bill be read a third time?

The bill was ordered to a third reading.

On motion of Mr. Angus of Claremont, the rules were suspended, the bill was read a third time, by title, and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Angus of Claremont moved that the House reconsider the vote whereby it passed House Bill No. 77, An act relative to revocation of the city manager law by a city.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred House Bill No. 254, An act relating to deferred posting by banks, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Wadleigh of Milford, for the Committee on Judiciary, to whom was referred House Bill No. 132, An act to repeal Chapter 12 of the Laws of 1830 as amended by Chapter 813 of the Laws of 1848 Incorporating the Trustees of The Pittsfield

Academy, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Mason of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 135, An act pertaining to jail sentences, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Green of Rollinsford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 94, An act relative to office hours for county offices, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Atherton of Nashua offered the following resolution:

*Resolved*, That the rules of the House be so far suspended as to dispense with public hearing on Senate Joint Resolution No. 3, Joint resolution providing for the reclassification of state employees, and so as to permit the introduction of a committee report without previous advertisement in the Journal.

On a *viva voce* vote the resolution was adopted.

Mr. Henderson of Durham, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 3, Joint resolution providing for the reclassification of state employees, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

On motion of the same member, the rules were further suspended and the third reading by title and final passage of the bill made in order at the present time.

The bill was read a third time and passed and sent to the Secretary of State to be engrossed.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 56, An act relating to the powers of trust companies.

House Bill No. 63, An act relative to annual report of the bank commissioner.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 4, An act relative to copies of public records required by veterans' administration, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the figure "4-a" in the third line and inserting in place thereof the figure, 5,

On motion of Mrs. Wild of Jackson the House concurred and the bill was referred to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 56, An act relating to the powers of trust companies.

House Bill No. 63, An act relative to annual report of the bank commissioner.

House Bill No. 112, An act providing for the settlement of disputes respecting the domicile of decedents for death tax purposes.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 112, An act providing for the settlement of disputes respecting the domicile of decedents for death tax purposes.

Amend the bill by renumbering section 8 to read section 2.

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

On motion of Mr. Wadleigh of Milford, the rules of the House were so far suspended as to allow business in order this afternoon to be in order at the present time, and the third reading of bills be by their titles only.

### Third Readings

House Bill No. 132, An act to repeal chapter 12 of the Laws of 1830 as amended by chapter 813 of the Laws of 1848 incorporating the trustees of The Pittsfield Academy.

House Bill No. 135, An act pertaining to jail sentences.

House Bill No. 254, An act relating to deferred posting by banks.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Jones of Lebanon at 2:08 o'clock the House adjourned.

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WEDNESDAY, FEBRUARY 16, 1949

The House met according to adjournment.

Prayer was offered by Rabbi Aaron B. Ilson, Temple Beth Jacob, Concord, N. H.

Heavenly Father,

High and glorious art Thou, yet near unto us Thy children. We are gathered to deliberate concerning the welfare of our fellowmen. We beseech Thy Divine assistance, and we pray Thee, cast the rays of Thy Divine guidance upon all assembled here—so that we may lend a full measure of devotion with sincerity and earnestness to those problems which knock upon the doors of humanity. Enable us to reflect and to discuss the

matters before us in a spirit of wisdom and in the light of Thine eternal truth. Draw us together into a bond of friendship and brotherhood, that unitedly we may promote the welfare of our state and of our country, and increase the happiness of our fellowmen. Hear Thou our prayer and bless us with strength and peace. Amen.

### Leave of Absence

Mr. Wilson of Antrim was granted leave of absence for the day on account of attending a funeral.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Sawyer of Manchester, House Bill No. 425, An act relative to capital reserves for the city of Manchester. To a Special Committee consisting of the delegation from Manchester.

By Mr. Ecker of Manchester, House Bill No. 426, An act relative to persons handling food in public places. To the Committee on Public Health.

### Committee Reports

Mrs. St. Pierre of Rochester, for the Committee on Liquor Laws, to whom was referred House Bill No. 138, An act relating to licensing certain golf clubs to sell spirits, liquor and beverages, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Committee on Liquor Laws, to whom was referred House Bill No. 138, An act relating to licensing certain golf clubs to sell spirits, liquor and beverages, and being unable to agree with the majority, report the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

HARRY H. FOOTE,  
H. T. KILLEEN,  
JOHN H. YEATON,  
W. A. BROWN,  
RAYMOND C. SMITH,

NATHAN A. TIRRELL,  
JOHN A. WIRKKALA,  
J. C. TILTON,

*A Minority of the Committee.*

The reports were accepted.

Mr. Foote of Portsmouth moved to substitute the report of the minority "inexpedient to legislate" for the report of the majority "ought to pass."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Foote of Portsmouth, Tilton of Concord and Wadleigh of Milford spoke in favor of the motion to substitute.

Messrs. Crosby of Hillsborough, Spaulding and Corbett of Concord spoke against the motion to substitute.

On a *viva voce* vote the Chair was in doubt.

Mr. Nash of Concord asked for a division.

A division being had, 183 members having voted in the affirmative and 146 members having voted in the negative, the motion to substitute prevailed.

The question being on the resolution of the minority of the committee, inexpedient to legislate.

On a *viva voce* vote the report of the committee was adopted.

Mr. Wadleigh of Milford moved that the House reconsider the vote whereby it adopted the report of the minority of the committee, inexpedient to legislate.

On a *viva voce* vote the motion did not prevail.

Mr. Black of Bennington, for the Committee on Aviation, to whom was referred House Bill No. 141, An act relative to suspension or revocation of certificates issued under New Hampshire Aeronautics Act, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1. *State Registration Certificates.* Amend section 23 of chapter 306 of the Revised Laws by adding at the end thereof a new paragraph as follows: V. Is convicted of a violation of the law or rules or regulations of another state which are consistent with the then current federal law or rules or regu-

lations relating to civil aeronautics. Provided, that suspension or revocation under this paragraph shall be only upon conviction of (a) careless or reckless operation so as to endanger the life or property of others or (b) a student pilot carrying a passenger or (c) piloting an aircraft or service as a member of the crew while under the influence of liquor or using any drug which affects his faculties in any manner contrary to safety, and that revocation shall be only after notice and opportunity for hearing, and that any suspension shall not be for a period in excess of thirty days without notice and opportunity for hearing, Provided, further, that whenever any person, convicted under the provisions of this paragraph, appeals, the commission may suspend the certificate of such person until such person is acquitted.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Black of Bennington, for the Committee on Aviation, to whom was referred House Bill No. 142, An act relative to zoning regulations for certain privately-owned airports, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Black of Bennington, for the Committee on Aviation, to whom was referred House Bill No. 143, An act relating to liens for storage of aircraft, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 253, An act relating to parking of motor vehicles, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Motor Vehicles.* Amend section 26 of chapter 119 of the Revised Laws by striking out said section and inserting in place thereof the following: 26. *Parking.* No person shall park or leave standing any vehicle, whether attended or un-



attended, upon the paved or improved or main traveled portion of any highway, outside of a business or residence district unless directed to do so by a law enforcement officer. This section shall not apply to a vehicle so disabled that it cannot be moved off said highway.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 1, An act relative to operation of motor vehicles when approaching school busses, reported the same in new draft and with new title, with the recommendation that the bill in its new draft and with its new title ought to pass.

The report was accepted, and the bill in its new draft and title was read a first and second time, and laid upon the table to be printed.

### **Orders Vacated**

Mr. Sawyer of Manchester moved that the order whereby House Bill No. 111, An act relating to control of air pollution was referred to the Committee on Judiciary, be vacated, and the bill referred to the Joint Committees of Public Health and Judiciary.

On a *viva voce* vote the motion prevailed.

Mr. Scammon of Stratham moved that the order whereby House Bill No. 80, An act relating to the Rockingham County Superior Court, was referred to the Committee on Judiciary, be vacated, and the bill referred to a special committee consisting of the Delegation of Rockingham County.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives.

House Bill No. 23, An act relating to the disposal of dog license fees.

The message also announced that the Senate had voted to concur with the House of Representatives in its adoption of

the amendment offered by the Committee on Engrossed Bills to the following entitled bill:

Senate Bill No. 4, An act relative to copies of public records required by veterans' administration.

The message also announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 60, An act relative to fish and game refuges, and the President has appointed as members of such a committee Senators C. Cummings and Hayes.

The message also announced that the Senate had passed a bill with the following title, in the passage of which its asked the concurrence of the House of Representatives:

Senate Bill No. 3, An act relating to commitment to veterans' administration.

### Senate Bill Read and Referred

Senate Bill No. 3, An act relating to commitment to veterans' administration.

Read a first and second time, and referred to the Committee on Judiciary.

### Resolutions

Mrs. Gagnon of Berlin offered the following resolution:

*Whereas*, today, February 16, is the eighty-fourth birthday of James A. Fraser, representative from Gorham, and

*Whereas*, Mr. Fraser has so ably represented his home town in this House of Representatives for several sessions, therefore be it

*Resolved*, That we extend to our fellow member our very best wishes for a happy birthday for today and many years to come.

On a *viva voce* vote the resolution was adopted.

Mr. Aldrich of Keene offered the following resolution:

*Whereas*, the hand of Providence has taken our fellow Representative and friend, E. James Winslow, from us, and,

*Whereas*, his long time membership in the service of the state and his well counceled service and leadership in civic positions has been distinguished, not only by his accomplish-

ments, but by his courtesy, kindness, efficiency and fairness in all his dealings, therefore, be it

*Resolved*, That we thus pay well deserved tribute to our departed member for his faithful and devoted service, and, be it further

*Resolved*, That we extend our heartfelt sympathy to his family in its bereavement, and that a copy of these resolutions be sent to the members of it.

The resolution was unanimously adopted by a rising vote.

Mr. Fernald of Rochester offered the following resolution:

*Whereas*, today, February 16, is the birthday of Harvey H. "Doc" Converse, representative from Pittsburg, and first Vice Chairman of the Committee on Fisheries and Game, who has so ably represented his town in particular, and the north country in general for several terms in this House of Representatives, therefore be it

*Resolved*, That we extend to our fellow member our very best wishes for a very happy birthday for today and many, many years to come.

On a *viva voce* vote the resolution was adopted.

### **Committee Appointed**

Announcement is made of the appointment of members of the New Hampshire Commission on Interstate Co-operation to ex-officio positions as follows:

Representative George A. Myhaver, State House, Concord, N. H. Home: Peterborough, N. H.

Representative George H. Edson, State House, Concord, N. H. Home: Lebanon, N. H.

Representative Laurence M. Pickett, State House, Concord, N. H. Home: Keene, N. H.

### **Resolution**

Mr. Parker of Farmington offered the following resolution:

*Resolved*, That when the House adjourns today it be in memory of the late Henry Wilson of Farmington.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Wadleigh of Milford, the rules of the House were so far suspended as to allow business in order this afternoon to be in order at the present time, and the third reading of bills be by their titles only.

### Third Readings

House Bill No. 141, An act relative to suspension or revocation of certificates issued under New Hampshire Aeronautics Act.

House Bill No. 142, An act relative to zoning regulations for certain privately-owned airports.

House Bill No. 143, An act relating to liens for storage of aircraft.

House Bill No. 253, An act relating to parking of motor vehicles.

On motion of Mr. Brosnahan of Nashua at 12:05 o'clock the House adjourned.

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THURSDAY, FEBRUARY 17, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, who through thy prophet has said: "Not by might nor by power, but by My Spirit," imbue us with a deeper understanding and a fuller appreciation of the real values in life. Remind us always that it is the unseen faith that removes mountains, the vision of the soul that keeps the fire of hope burning and the courage within that moves us to greater action. Help us to realize that real strength is the strength of character, that real might is not in what we possess, but in what possesses us, and that what is normally wrong can never be politically, socially or otherwise expedient. Give us that strength, O God, that comes of Thee. Amen.

### Leave of Absence

Mr. Peever of Salem was granted leave of absence for the day on account of important business.

### Opinion of Supreme Court

#### *To the House of Representatives:*

The main question for decision is whether House Bill No. 145 is in conflict with the constitution of New Hampshire, Part Second, Art. 15 which is as follows: "The presiding officers of both houses of the legislature, shall severally receive out of the state treasury as compensation in full for their services for the term elected the sum of two hundred and fifty dollars, and all other members thereof, seasonably attending and not departing without license, the sum of two hundred dollars exclusive of mileage: *Provided, however,* that when a special session shall be called by the governor, such officers and members shall receive for attendance an additional compensation of three dollars per day for a period not exceeding fifteen days and the usual mileage." The bill is entitled "An act relative to travel allowance for members of the General Court" and allows each member of the General Court "for travel expense the sum of four dollars for the first mile and five cents for each mile thereafter to and from his home each day of attendance." Since approximately one-half of the forty-eight states have constitutional provisions on the subject, statutory regulation thereunder has been considered by the courts of many states. Three different results or methods of approach to the problem are reflected in the decisions.

The first method considers a constitutional provision respecting legislative compensation to be a limited grant of power which by implication withholds any power to provide allowances directly or indirectly, beyond the amounts or for purposes other than those expressly permitted. Accordingly, by the weight of authority it has been held that the legislature has no power to appropriate sums for the personal expenses and uses of legislators in excess of or in addition to the compensation and allowance for expenses fixed by the constitution. 50 A. L. R. 1238; 60 A. L. R. 416. Recent cases so holding include *Ferris v. Aten*, 318 Mich. 528; *Advisory Opinion to Governor*, 156 Fla. 48; *In re Advisory Opinion*, 227 N. C. 705.

The second method treats the constitutional provision as a limitation only as to matters expressly referred to and holds that additional or lump sum allowances for expenses not expressly provided for are within the power of the legislature. Some of the jurisdictions adopting this minority view include

*Collins v. Riley*, 24 Cal. (2d) 912; *Christopherson v. Reeves*, 44 S. D. 634; *State v. Yelle*, 7 Wash. (2d) 443. Generally these opinions are sharply divided and in at least two states the matter was finally resolved by constitutional amendment in California in 1944 and in Washington in 1948.

The third method merely presumes the statute providing for personal expenses of legislators is constitutional and refuses to examine its merits on some technical ground. This view finds little support in the authorities (*State v. Baker*, 74 N. D. 244) and has never been adopted in this state as a means for the supreme court to avoid its duty under Art. 74 of our constitution to decide "important questions of law."

In answering the questions submitted, we must necessarily look to the purposes of Art. 15 of our constitution which was adopted in 1889 by a vote of the people of more than three to one. For the previous century the members of the legislature had received a small per diem and mileage at various rates of four pence, eight cents and ten cents. The relatively long legislative session of 1887 resulted in a determination to limit the amounts received under the former system and to thus limit the length of the sessions. II Pillsbury, New Hampshire, A History (1927) 610, 621; Buxton, Four Constitutional Conventions (1928) 46, 47. The minutes of the constitutional convention of 1889 pp. 84-100 indicate that the compensation allowed included personal expenses exclusive of mileage:

"The belief has been widespread that the compensation of legislators is inadequate for the public service they are called upon to render." Our State Legislatures. (The Council of State Governments 1948) 6. Since the compensation in this state is the lowest in the nation, the inadequacy is more acute. Model State Constitution (5th ed 1948) p 27. However, it is generally agreed that, "Travel allowances should not be used to make up deficiencies in the salary paid." Walker, The Legislative Process; Law Making in the United States (1948) 156, 157. It has been pointed out in the oral arguments that House Bill No. 145 would increase steady attendance, tend to shorten the session and cost the state less than if it provided for a straight mileage basis of eight cents a mile for each day of attendance. Admitting these statements to be true and conceding the best motives to House Bill No. 145, does not guarantee its constitutionality. Mileage rates in the other forty-seven states range

from five cents to twenty-two cents but there appears to be no precedent of four dollars for the first mile. The legislature may determine any mileage rate that bears a reasonable relation to the cost of travel. Such a rate may be considered "actual cost" as used in your inquiries whether it is slightly less than or more than the amount expended by any individual legislator for mileage. See, *Havens v. Attorney-General*, 91 N. H. 115, 120.

In view of the purpose and history of Art. 15 of the constitution, we are not free to adopt the second method of approach by which a minority of states allow the legislature to appropriate for expense moneys in addition to compensation and mileage. While the bill has more merits than appear at first blush and while we have considered possible justification for its acceptance, it is our considered judgment that it violates the language and intent of Art. 15 of the constitution in granting travel expense which is neither compensation nor mileage as those terms are used in the constitution.

In the light of the above discussion, the answer to the first, third and fourth questions is no, the answer to the second question is yes, and the answer to the fifth question is yes within the constitutional limits indicated. As to past legislative sessions nothing in this advisory opinion is to be construed as necessarily having retroactive effect. Cf. *Great Northern Ry. Co. v. Sunburst Oil & Refining Co.*, 287 U. S. 358. As to future sessions the following quotation may be of assistance: "The Commission recommends that a standard mileage table be adopted by appropriate legislation, establishing a fixed table of distances from each town and ward in the state to the State House. This mileage table should be adopted before the close of the ensuing session, to be effective at the commencement of the 1951 session. In this way, members running for election or reelection in 1950 will know exactly what mileage goes with the office." Report of the Interim Commission on Legislative Practice and Procedure. (1948) p. 3. (See, Laws 1947, c. 321).

OLIVER W. BRANCH,  
FRANCIS W. JOHNSTON,  
FRANK R. KENISON,  
LAURENCE I. DUNCAN,  
AMOS N. BLANDIN, JR.

February 16, 1949.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 427, An act to provide for a reorganization plan for the departments and agencies of the state government. To the Committee on Appropriations.

By the Committee on Rules, House Bill No. 428, An act relative to purchases by the purchasing agent. To the Committee on Judiciary.

By the Committee on Rules, House Bill No. 429, An act relative to unemployment compensation adjustments and refunds. To the Committee on Labor.

By the Committee on Rules, House Bill No. 430, An act relative to the reclassification of a road in the town of Milton. To the Committee on Public Works.

By Mr. Angus of Claremont, House Bill No. 431, An act relative to workmen's compensation. To the Committee on Labor.

By Mr. Normandin of Laconia, Ward 2, House Bill No. 432, An act relative to La Societe St. Jean Baptiste de Laconia. To the Committee on Executive Departments and Administration.

### Committee Reports

Mrs. Atkins of Hanover, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 169, An act relating to voluntary commitment of patients to the state hospital, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Atkins of Hanover, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 181, An act relative to the Gafney Home for the Aged, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.



Mr. Dodge of Dover, for the Committee on Insurance, to whom was referred House Bill No. 163, An act relative to the investments of domestic life insurance companies, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by adding at the end thereof the words, subject, however, to the approval of the insurance commissioner, so that said section as amended shall read as follows: 1. *Domestic Life Insurance Companies*. Amend chapter 328 of the Revised Laws by adding after section 18 the following new section: 18-a. *Other Investments*. Such companies may loan or invest their funds to an amount not exceeding in the aggregate five per cent of their total admitted assets in loans or investments not qualifying or not permitted under sections 15 and 16 above, subject, however, to the approval of the insurance commissioner.

The report was accepted, the amendment adopted, and the bill as amended ordered to a third reading.

Mr. Dodge of Dover, for the Committee on Insurance, to whom was referred House Bill No. 206, An act relating to insurers not authorized to transact business in this state, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph II of section 2 of the bill by striking out in the third and fourth lines the words "such fees as may be prescribed by law and inserting in place thereof the words, a fee of two dollars, so that said paragraph as amended shall read as follows:

II. Such service of process shall be made by delivering to and leaving with the insurance commissioner or some person in apparent charge of his office two copies thereof and the payment to him of a fee of two dollars. The insurance commissioner shall forthwith mail by registered mail one of the copies of such process to the defendant at its last known principal place of business, and shall keep a record of all process so served upon him. Such service of process is sufficient, provided notice of such service and a copy of the process are sent within ten days thereafter by registered mail by plaintiff or plaintiff's attorney to the defendant at its last known principal place of business, and the defendant's receipt, or receipt issued by the postoffice with which the letter is registered, showing

the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

The report was accepted.

The reading of amendment having commenced, on motion of Mr. Elwell of Exeter, further reading of the amendment was dispensed with.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Dodge of Dover, for the Committee on Insurance, to whom was referred House Bill No. 218, An act relating to the directors of insurance companies, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 108, An act changing the name of Todd pond in the town of Newbury and Bradford, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 173, An act naming the Moosilauke Trail, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out after the word "the" in the third line the word "town" and inserting in place thereof the word, village, so that said section as amended shall read as follows: 1. *Highway Named.* The New Hampshire highway described as follows: Beginning at the intersection of the Daniel Webster Highway in the village of Plymouth with the so-called Route 25, thence running by said Route 25 through the Baker river valley and Oliverian Valley and notch over the old Indian route to the Dartmouth College Highway (Route 10) in the town of Haverhill in the Connecti-

cut Valley, touching the following towns, Plymouth, Rumney, Wentworth, Warren, Benton and Haverhill, is hereby given the name of The Moosilauke Trail. The governor and council are authorized and directed to do all things necessary to suitably mark and designate the highway herein named.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Foote of Portsmouth, for the Committee on Liquor Laws, to whom was referred House Bill No. 283, An act relating to licenses for hotels, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred Senate Bill No. 2, An act relative to credit unions, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 281, An act relative to suspension of fish and game licenses, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Mason of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 165, An act relative to notice to director before water is drawn down in certain cases, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the word "dams" in line 3 the words, other than in the ordinary use of an established water privilege, so that said section as amended shall read as follows:

1. *Prohibition.* Amend chapter 245 of the Revised Laws by inserting after section 36 the following new sections: 36-a. *Notice.* No person shall by means of opening gates or dams, other than in the ordinary use of an established water privilege draw down or lower the water in any stream, lake or pond in

the state to a degree which will endanger fish life therein until notice in writing has been given to the director of such intention two weeks prior to such drawing down or lowering so that the department may take out the fish in the waters to be so drawn down or lowered. 36-b. *Exception.* The provisions of section 36-a shall not apply to privately owned lakes or ponds.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 185, An act relating to photographic copies of documents and records, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 209, An act relating to the printing of pledges of candidates for delegate upon primary ballots, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An act relative to form of declarations of candidacy for delegates to the national presidential conventions.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Presidential Primary Ballots.* Amend section 6, chapter 38, Revised Laws, by striking out said section and inserting in place thereof the following: "6. *Form.* Declarations of candidacy shall be in form as follows: "I.....declare that I reside in ward.....in the city (or town) of.....county of.....and state of New Hampshire, and am a qualified voter therein; that I am a member of the.....party; that I am a candidate for election as delegate (or as alternate delegate or delegate at large or alternate delegate at large) to the national convention of the.....party next to be held for the nomination of candidates of said party for president and vice president of the United States. I request that my name be printed as such candidate on the official

ballot of the.....party to be used at the primary to be held on the second Tuesday of March next. I further declare that if elected as such delegate (or alternate delegate or delegate at large or alternate delegate at large) I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control."

If the person desires to do so he may add to such declaration either of the following two statements: (1) "I am favorable to (insert the name of any person) as the candidate for said party for president, and I request that after my name upon the ballot shall be printed the words I am favorable to the nomination (naming the same person) for president." (2) "I pledge myself, if elected as such delegate (or alternate delegate or delegate at large or alternate delegate at large), to vote in said convention, whenever I shall vote, for the nomination of (inserting the name of any person) as the candidate for said party for president so long as he shall be a candidate before said convention, and I request that after my name upon the ballot shall be printed the words pledged to vote for the nomination of (naming the same person) for president." The words chosen by the candidate shall be printed upon the primary ballot following the name as requested. In the case of the second option, the pledge shall be printed upon the primary ballot as requested if such candidate for president files his written consent thereto with the secretary of state before the time for the filing of declarations expires, but not otherwise.

The report was accepted, the amendment adopted, and the bill as amended ordered to a third reading.

Mr. Redden of Dover, for the Committee on Municipal and County Government, to whom was referred House Bill No. 157, An act legalizing the proceedings of the biennial election in the town of Lyman, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Crandall of Dover, for the Special Committee consisting of the delegation from the city of Dover, to whom was referred House Bill No. 84, An act relative to pensions for school teachers in the city of Dover, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Joint Resolution No. 3, Joint resolution providing for the reclassification of state employees.

House Bill No. 23, An act relating to the disposal of dog license fees.

House Bill No. 112, An act providing for the settlement of disputes respecting the domicile of decedents for death tax purposes.

House Bill No. 411, An act relating to transfer of funds from the town to the school district in Ashland.

The report was accepted.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

Senate Bill No. 4, An act relating to copies of public records required by veterans administration.

House Bill No. 15, An act legalizing the November election of 1948 in the town of Conway.

House Bill No. 58, An act relating to the time for accounting for bounties by selectmen.

House Bill No. 71, An act legalizing the biennial election in the town of Hampstead.

House Bill No. 92, An act validating bonds issued by Wallis Sands, Rye North Beach and Foss Beach District and changing the name of the district to Rye Water District.

House Bill No. 411, An act relative to transfer of funds from the town to the school district in Ashland.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which

amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 33, An act relative to police powers of conservation officers.

Amend section 1 of the bill as amended by inserting in the ninth line thereof, after the word "animals" the following, or any other illegal apparatus; so that said section as amended shall read:

1. *Powers of Conservation Officers.* Amend paragraph VI. of section 25, chapter 240 of the Revised Laws by striking out said paragraph and inserting in place thereof the following: VI. To stop and to search without a warrant and to examine in the field, in the highway, at an airbase, or on the stream, any person, or any boat, conveyance, aircraft, vehicle, game bag, game coat, creel, crate, box, locker, or other receptacle, in the presence of the owner if reasonably possible, or any so-called fish house or bob house, in the presence of the occupant, for fish, game, or fur-bearing animals, when he has reasonable cause to believe that any fish, game, or fur-bearing animals, or any other illegal apparatus subject to forfeiture, are concealed thereon or therein;

On motion of Mr. Converse of Pittsburg, the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be Engrossed.

House Bill No. 72, An act relating to a state bird.

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1. *State Emblems.* Amend chapter 13 of the Revised Laws by inserting after section 5 the following new section:

6. *State Bird.* In recognition of the contribution of the New Hampshire hen to the material wealth and prosperity of our state and in consideration of its wide-spread fame, the New Hampshire hen is the state bird of the State of New Hampshire.

2. *Takes Effect.* This act shall take effect upon its passage.

Mr. Sawyer of Concord moved that the House nonconcur in the amendment sent down from the Honorable Senate, and that a Committee of Conference be appointed.

Mr. Pickett of Keene moved that the House concur.

The question being on the motion to concur.

(Discussion ensued)

Messrs Pickett of Keene and Scammon of Stratham spoke in favor of the motion.

Messrs. Sawyer of Concord and Barney of Rumney, and Mesdames. Richards of Exeter and Cooper of Nashua, spoke against the motion.

Mr. Pickett of Keene withdrew his motion to concur.

The question being on the motion to nonconcur, and a Committee of Conference be appointed.

Messrs. Holden of Hanover and Jones of Lebanon spoke in favor of the motion.

On a *viva voce* vote the motion was adopted, and the Speaker appointed as members on such committee, Mr. Sawyer of Concord, and Mrs. Cooper of Nashua, and Mr. Sanborn of Wakefield.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 1, An act establishing a state song.

Senate Bill No. 17, An act to legalize a special meeting of the school district of the town of New Hampton.

Senate Bill No. 21, An act relating to legacy receipts.

Senate Bill No. 22, An act relating to stenographers for probate court.

Senate Bill No. 23, An act relative to recoveries in old age assistance.

Senate Bill No. 24, An act relating to claims and liens against estates.

### Senate Bills Read and Referred

Senate Bill No. 1, An act establishing a state song.

Read a first and second time, and referred to the Committee on Forestry and Recreation.



Senate Bill No. 17, An act to legalize a special meeting of the school district of the town of New Hampton.

Read a first and second time, and referred to the Committee on Judiciary.

Senate Bill No. 21, An act relating to legacy receipts.

Read a first and second time, and referred to the Committee on Judiciary.

Senate Bill No. 22, An act relating to stenographers for probate court.

Read a first and second time, and referred to the Committee on Judiciary.

Senate Bill No. 23, An act relative to recoveries in old age assistance.

Read a first and second time, and referred to the Committee on Public Welfare.

Senate Bill No. 24, An act relating to claims and liens against estates.

Read a first and second time, and referred to the Committee on Judiciary.

Mr. Fuller of Hanover moved that the rules of the House be suspended to allow of a committee report to be brought forward in the Journal.

On a *viva voce* vote the motion prevailed.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 159, An act granting school districts temporary emergency exemption from certain provisions of the municipal bonds statute, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 of the bill by striking out in the fourth line the words "judiciary committee" and inserting in place thereof the words, committee on municipal and county government; further amend by inserting in the seventh line after the word "or" the words, the chairman of the committee on municipal and county government; further amend by striking out the word "committees" in the tenth line and inserting in place thereof the words, committee and committee on municipal and county government; so that said section as amended shall read as follows:

4. *Board Designated.* There shall be a board of investigation composed as follows: The commissioner of education; a member of the tax commission to be selected by said commission; the chairman of the judiciary committee of the senate; the chairman of the committee on municipal and county government of the house of representatives, and one other person having knowledge of educational and financial matters to be appointed by the governor. In the event that either the chairman of the judiciary committee of the senate or the chairman of the committee on municipal and county government of the house of representatives shall be unable to serve, the president of the senate or the speaker of the house of representatives or, in the absence or inability to act of either of them, the governor, shall designate some other member of the respective judiciary committee and committee on municipal and county government as a member of said board. The member of said board representing the tax commission shall serve as chairman thereof, and said board shall choose some other member thereof as clerk. The non-state-salaried members of said board shall receive compensation for their services at the rate of six dollars per diem and reasonable expenses, and said compensation, together with other expenses incurred by the board, shall be paid by the school district or school districts whose proposals are to be examined. Said committee shall make a complete stenographic record of its hearings.

The report was accepted.

On motion of Mr. Fuller the rules were suspended and reading of the amendment was dispensed with.

The amendment was adopted and the bill was ordered to a third reading.

### Resolution

Mr. Smalley of Dover offered the following resolution:

*Whereas*, today, February 17, is the seventy-second birthday of William J. Lavoie, representative from Nashua, and

*Whereas*, Mr. Lavoie has so ably represented his home town in the House of Representatives for several seasons, therefore be it

*Resolved*, That we extend to our fellow member our very best wishes for a happy birthday for today and for many years to come.

On a *viva voce* vote the resolution was adopted.

Mr. Tirrell of Goffstown offered the following resolution:

*Resolved*, That the rules of the House be so far suspended as to permit a public hearing on House Bill No. 145, House Bill No. 249, and House Bill No. 333 on Wednesday, February 23rd. Time: 1:30. House of Representatives.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Wadleigh of Milford, the rules of the House were so far suspended as to allow business in order this afternoon to be in order at the present time, and the third reading of bills be by their titles only, and when the House adjourns today it adjourns to meet Wednesday, February 23, at 11:00 o'clock.

### Third Readings

House Bill No. 84, An act relative to pensions for school teachers in the city of Dover.

House Bill No. 108, An act changing the name of Todd Pond in the towns of Newbury and Bradford.

House Bill No. 157, An act legalizing the proceedings of the biennial election in the town of Lyman.

House Bill No. 159, An act granting school districts temporary emergency exemption from certain provisions of the municipal bonds statute.

House Bill No. 163, An act relative to the investments of domestic life insurance companies.

House Bill No. 165, An act relative to notice to director before water is drawn down in certain cases.

House Bill No. 169, An act relating to voluntary commitment of patients to the state hospital.

House Bill No. 173, An act naming the Moosilauke Trail.

House Bill No. 181, An act relative to the Gafney Home for the Aged.

House Bill No. 185, An act relating to photographic copies of documents and records.

House Bill No. 206, An act relating to insurers not authorized to transact business in this state.

House Bill No. 209, An act relating to the printing of pledges of candidates for delegate upon primary ballots.

House Bill No. 218, An act relating to the directors of insurance companies.

House Bill No. 281, An act relative to suspension of fish and game licenses.

House Bill No. 283, An act relating to licenses for hotels.

Severally read a third time, passed and sent to the Senate for concurrence.

Senate Bill No. 2, An act relative to credit unions.

Read a third time, passed and sent to the Secretary of State to be engrossed.

### Committee Changes

Miss Loizeaux of Plymouth was appointed to the Committee on Education, replacing Mr. Winslow of Keene, deceased.

On motion of Mrs. Brungot of Berlin at 12:30 o'clock the House adjourned.

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WEDNESDAY, FEBRUARY 23, 1949

The House met according to adournment.

Prayer was offered by Rev. Edgar Flory, Pastor of Federated Church of Winchester.

Almighty and everlasting God, we invoke Thy divine blessing upon us.

Grant unto us wisdom and guidance in our deliberations. May we possess discernment to see clearly the issues before us this day. May our judgment be based upon a desire to follow truth and justice.

We would seek to do Thy will and not our own will.

May we exalt the values of the spirit. May we endeavor to place the enrichment of human life above material things.

We pray that each of us, aware of our privilege and re-

sponsibility, may as thy servants strive to serve Thee, our fellow men, our State and our Nation.

Grant us vision, courage and strength to fulfill our task.  
In the name of Christ we pray. Amen.

### Leaves of Absence

Mr. Boynton of Hillsborough was granted leave of absence for the day on account of important business.

Mr. Dwinell of Lebanon was granted leave of absence for the day on account of illness.

Mr. Adams of Greenville and Mrs. Atkins of Hanover were granted leaves of absence for the week on account of illness.

Mr. Nawn of Concord was granted leave of absence for the week on account of important business.

### Introduction of Bill

The following bill was introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Sawyer of Manchester, House Bill No. 433, An act relative to terms of members of boards appointed by the governor and council. To the Committee on Executive Departments and Administration.

### Committee Reports

Mr. Sanborn of Wakefield in the Chair.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 8, An act relative to labor contracts, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

The question being on the recommendation of committee, ought to pass.

(Discussion ensued)

Messrs. Upton of Concord, Willey of Campton and Rowell of Newport, spoke in favor of the motion.

Mr. Saltmarsh of Concord moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the recommendation of the committee, ought to pass.

On a *viva voce* vote the recommendation of the committee was adopted.

The bill was ordered to a third reading.

Mr. Turner of Keene moved that the rules be suspended, and the bill be put upon its third reading, by title, and final passage at the present time.

The question being on the motion of Mr. Turner.

Mr. Rowell of Newport demanded the yeas and nays, but subsequently withdrew his demand.

Mr. Rowell of Newport asked for a division.

A division being had, 337 members having voted in the affirmative and 3 members having voted in the negative the motion prevailed.

The bill was read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Saltmarsh of Concord moved that the vote be reconsidered, whereby the House passed the bill.

On a *viva voce* vote the motion did not prevail.

Speaker in the Chair.

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 158, An act relative to purchase and sale of poultry, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 of said bill by striking out before the word "hearing" in the fifth line the words, "and without" and inserting in place thereof the word, after, so that said section as amended shall read as follows:

4. *Powers of Commissioner.* Amend chapter 199 of the Revised Laws by adding after section 9 the following new section: 9-a. *License Suspended.* The commissioner may order the suspension of the license of any person in his discretion after hearing and may order the license of any person delivered to him, whenever he has reason to believe the holder thereof is not responsible and entitled to confidence, but such suspension shall not be for a longer period than thirty days

unless the commissioner, after investigation and hearing, so determines.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 191, An act relative to definition of concentrated commercial feeding-stuff, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 205, An act relating to the soil conservation committee, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 by striking out in the eleventh line after the word "council" the words, "from names submitted by the sub-district supervisors and the" and inserting in place thereof the words, in making said appointment the governor shall give consideration to names submitted by the sub-district supervisors. The, so that said section as amended shall read as follows:

1. *Committee and Advisory Board.* Amend section 3 of chapter 151 of the Laws of 1945 by striking out said section and inserting in place thereof the following: 3. *State Soil Conservation Committee and Advisory Board.* There is hereby established to serve as an agency of the state, the state soil conservation committee which shall consist of the following five members: The commissioner of agriculture, the director of the state agricultural extension service, the director of the state agricultural experiment station, and two farmer members to serve one and two years respectively and until their successors are appointed, at least one of whom shall be a district supervisor and both of whom shall be appointed by the governor with the advice and consent of the council. In making said appointment the governor shall give consideration to names submitted by the sub-district supervisors. The committee so composed shall elect its own chairman. The following four members shall serve as an advisory board: the state highway commissioner, the state forester, the director of the fish and game department, and the executive director of the state

planning and development commission. The members of said committee and board shall serve without compensation. The committee may adopt rules and regulations necessary for the execution of its functions hereunder and shall keep a record of its official actions. It may employ such employees as it requires and fix their compensation subject to the approval of the governor and council. It may also consult and advise with any local committees or groups.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Johnson of Northwood, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 10, An act relative to the practice of barbering, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out section 1 and renumbering sections 2 and 3 to read, sections 1 and 2 respectively.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Moffett of Berlin, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 200, An act relating to stable space for horses owned by New Hampshire residents, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Willey of Campton, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 201, An act relating to racing of horses owned by residents of the state, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Rathbone of Exeter, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 202, An act relating to the training and racing of



horses owned by New Hampshire residents, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Fecteau of Epping, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 203, An act relating to race track meets, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by existing legislation.

The report was accepted and the resolution of the committee adopted.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 193, An act relating to pupils, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Brungot of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Liens on Logs, Lumber or Pulpwood for Advances of Money.* Amend Chapter 264 of the Revised Laws by adding after section 14 the following new section:

14-a. If a person, firm or corporation shall, by himself or itself, or others, make an advance or series of advances of money to the owner of, or person entitled to the possession of, any logs, lumber or pulpwood for the purpose of financing the cutting, hauling, yarding, piling, trucking, rafting, booming, driving or towing of the same, he or it shall have a lien for the amount of all such advances, which shall take precedence over all claims, except taxes, liens provided for in section 14 hereof and all other liens legally acquired and recorded prior to the placing of the registered mark thereon as herein provided, up-

on all of such logs, lumber and pulpwood on which he or it has caused his or its registered mark to be placed and such lien with respect to each such advance shall continue for all advances for two years after the date of making the last advance, and may be enforced by attachment.

The term "registered mark" as used in the foregoing sentence means a mark described in a certificate of registration issued by the secretary of state pursuant to the provisions of sub-section (a) hereof and recorded in the registry of deeds for the county in which such logs, lumber or pulpwood were situated when such registered mark was placed thereon, in the manner provided in the following subsections (a), (b) and (c) ;

(a) Any person, firm or corporation desiring to appropriate for his or its own exclusive use any distinctive mark to be placed upon logs, lumber or pulpwood for identification, may file a copy of such mark, accompanied by a statement claiming the exclusive use thereof for such purpose, with the secretary of state, who, if satisfied that such mark is not the duplicate of, or so closely resembles as to cause confusion, any such mark theretofore registered in his office, shall register such mark and issue to and in the name of such person, firm or corporation a certificate of registration of such mark. The person, firm or corporation in whose name such certificate of registration is issued shall be entitled to the exclusive use of the mark therein described for all purposes of this section. Upon request the secretary of state shall issue certified copies of such certificates of registration upon payment of the fees hereinafter provided therefor.

(b) A copy of any such certificate of registration, certified by the secretary of state, may be recorded in any registry of deeds.

(c) The secretary of state shall receive a fee of \$5 for the registering of each such mark, which fee shall cover issuance of the certificate of registration thereof, and a fee of \$1 for the issuance of each certified copy of such certificate. Registers of deeds shall receive a fee of \$1 for recording a certified copy of any such certificate of registration.

The report was accepted.

The reading of the amendment having commenced, on motion of Mr. Turner of Keene, further reading was disposed with.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred Senate Bill No. 5, An act relating to investments by guardians of beneficiaries of the veterans administration, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 65, An act relative to unemployment compensation benefit eligibility conditions, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Benefit Eligibility Conditions.* Amend subsection D, section 3 of chapter 218 of the Revised Laws, as amended by section 4, chapter 56 of the Laws of 1943, by section 8, chapter 138 of the Laws of 1945, by section 11, chapter 59 of the Laws of 1947 and by chapter 267 of the Laws of 1947, by striking out the whole of said subsection and inserting in place thereof the following: D. Prior to any week for which he receives benefits he has been totally unemployed (and for the purposes of this subsection an individual shall be deemed totally unemployed in any one week with respect to which he earns no wages in excess of three dollars) for a waiting period of one week within the same benefit year and fulfilled the other requirements of this section; provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment because of a change in the benefit year, even though a change in the weekly benefit amount and maximum benefits is effected. It is further provided that the period not to exceed one week of partial or total unemployment or the period not to exceed two weeks of partial unemployment immediately preceding the benefit year shall be deemed (for

the purposes of this subsection) to be within such benefit year as well as within the preceding benefit year. For the purposes of this paragraph, a week or weeks means the period of seven or fourteen calendar days immediately preceding the first day of the benefit year or the calendar week or weeks immediately preceding the benefit year. For the purposes of this subsection, two weeks of partial unemployment shall be deemed equivalent to one week of total unemployment; it being provided, however, that if a week of partial unemployment is immediately followed by a week of total unemployment, then such week of partial unemployment shall be deemed equivalent to one week of total unemployment. For the purposes of this subsection, no week shall be counted as a week of total unemployment for any individual; (1) If benefits have been paid with respect thereto; (2) Unless he has annual earnings of not less than two hundred dollars within the base period in accordance with subsection P (2) of section 1.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 66, An act relative to unemployment compensation disqualification for voluntary quit, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee, "inexpedient to legislate."

(Discussion ensued)

Mr. Angus of Claremont spoke in favor of the resolution.

On a *viva voce* vote the resolution of the committee was adopted.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 347, An act relating to marking highways for motor vehicle travel, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "yellow" in the seventh, eleventh, and fifteenth lines and in-

serting in place thereof the word, "painted" so that said section as amended shall read as follows:

1. *Motor Vehicles.* Amend chapter 119 of the Revised Laws by inserting after section 16 the following new section: 16-a. *Highway Markings.* The state highway commissioner and, subject to his approval, the selectmen of any town or board of mayor and aldermen or group having similar powers of any city, having control of any highway may order such marking of highways by painted lines as is deemed necessary to the safe and efficient use of such highway. In ordering or approving such marking the highway commissioner insofar as is practicable shall conform to nationally accepted standards and any marking of the highway by painted lines shall prima facie be deemed to be approved or ordered by the highway commissioner. No operator of a motor vehicle shall, except in emergency while proceeding along a highway, drive any part of such vehicle to the left of nor across an unbroken painted line marked along the highway by order of or with the approval of the highway commissioner.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Carter of Somersworth, for a Special Committee consisting of the delegation from the city of Somersworth, to whom was referred House Bill No. 334, An act relative to the salary of the mayor of Somersworth, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### Engrossed Bills Report

The Committee on Engrossed Bills reported that they had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 2, An act relative to credit unions.

Senate Bill No. 4, An act relating to copies of public records required by veterans' administration.

House Bill No. 14, An act relating to pari mutuel pools at race meets.

House Bill No. 15, An act legalizing the November election of 1948 in the town of Conway.

House Bill No. 50, An act relative to the burial of veterans.

House Bill No. 58, An act relating to the time for accounting for bounties by selectmen.

House Bill No. 71, An act legalizing the biennial election in the town of Hampstead.

House Bill No. 81, An act relative to privileged communications from prisoners of state prison.

House Bill No. 92, An act validating bonds issued by Wallis Sands, Rye North Beach and Foss Beach District and changing the name of the district to Rye Water District.

House Bill No. 223, An act to enlarge the powers of savings banks in making loans to veterans.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives.

House Bill No. 14, An act relative to pari mutuel pools at race meets.

House Bill No. 50, An act relative to the burial of veterans.

House Bill No. 81, An act relative to privileged communications from prisoners of state prison.

House Bill No. 223, An act to enlarge the powers of savings banks in making loans to veterans.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans.

Amend section 1 of the bill by striking out the whole of said section and substituting in place thereof the following:

1. *Public Employments.* Amend section 4-a of chapter 219 of the Revised Laws as inserted by chapter 148 of the Laws

of 1947 by striking out said section and inserting in place thereof the following: 4-a. *Widows*. The employment preferences provided for veterans under the provisions of section 4, chapter 190, Laws of 1943 are extended to include any unremarried widow whose husband at the time of his death was a citizen of this state and who served in the armed forces of the United States during any war in which the United States has been engaged, and also to any wife of a totally disabled veteran who is a citizen of the state and who served in the armed forces of the United States during any war in which the United States has been engaged.

On motion of Mrs. Brungot of Berlin, the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 14, An act relative to liability insurance for tractors.

Senate Bill No. 20, An act relative to auditing accounts of agricultural fairs.

The message further announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 31, An act legalizing certain action at the 1948 town meeting in Newport.

### **Senate Bill Read and Referred**

Senate Bill No. 31, An act legalizing certain action at the 1948 town meeting in Newport.

Read a first and second time, and referred to the Committee on Municipal and County Government.

Mr. Cummings of Newport moved that the rules be suspended, printing and reference to committee dispensed with.

On a *viva voce* vote the motion prevailed.

On motion of same member the rules were further suspended, the bill was put on its third reading, by title, and final passage at present time.

The bill was read a third time and passed, and sent to the Secretary of State to be engrossed.

### Reconsideration

Mr. Pickett of Keene moved that the House reconsider the vote whereby the House passed Senate Bill No. 31.

On a *viva voce* vote the motion did not prevail.

The message also announced that the Senate had passed the following joint resolution, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 5, Joint resolution establishing a committee to investigate the status of the state sanitarium at Glencliff.

### Senate Joint Resolution Read and Referred

Senate Joint Resolution No. 5, Joint resolution establishing a committee to investigate the status of the state sanitarium at Glencliff.

Read a first and second time, and referred to the Committee on Public Welfare and State Institutions.

### Resolution

Mr. Colcord of Plaistow offered the following resolution:

*Whereas*, we have learned with sorrow of the death of William K. Davis, Representative from the town of Newton,

*Therefore be it Resolved*, That we mourn the passing of our fellow member, and extend out heartfelt sympathy to the family in its bereavement, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to the widow, Mrs. Davis.

The resolution was unanimously adopted by a rising vote.

On motion of Mr. Wadleigh of Milford, the rules of the House were so far suspended as to allow business in order this afternoon to be in order at the present time, and the third reading of bills be by their titles only.



### Third Readings

House Bill No. 10, An act relative to the practice of barbering.

House Bill No. 65, An act relative to unemployment compensation benefit eligibility conditions.

House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made.

House Bill No. 158, An act relative to purchase and sale of poultry.

House Bill No. 191, An act relative to definition of concentrated commercial feeding-stuff.

House Bill No. 193, An act relating to pupils.

House Bill No. 205, An act relating to the soil conservation committee.

House Bill No. 334, An act relative to the salary of the mayor of Somersworth.

House Bill No. 347, An act relating to marking highways for motor vehicle travel.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 5, An act relating to investments by guardians of beneficiaries of the veterans' administration.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Rowell of Newport at 12.30 o'clock the House adjourned.

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THURSDAY, FEBRUARY 24, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty God, we make our earnest prayer that thou wilt keep the United States in Thy holy protection; that thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a

brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the divine author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech thee through Jesus Christ our Lord. Amen.

### Leave of Absence

Mr. Boynton of Hillsborough was granted leave of absence for the day on account of illness.

### Introduction of Bills

The following bills and joint resolution were introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Pillsbury of Manchester, Ward 2, House Bill No. 434, An act providing for the adoption of a council-manager form of government for the city of Manchester. To the Special Committee composed of the Manchester Delegation.

By Mr. Alessi of Portsmouth, House Bill No. 435, An act relating to the Charter of the city of Portsmouth. To the Special Committee composed of the Portsmouth Delegation.

By the Committee on Rules, House Bill No. 436, An act to provide for a strong-Mayor-Council form of Government for the city of Manchester. To the Special Committee composed of the Manchester Delegation.

By Mr. Tilton of Laconia (by request), House Bill No. 437, An act to revise the charter of the city of Laconia to provide for Council-Manager form of Government. To the Special Committee composed of the Laconia Delegation.

By Mr. Ashley of Lebanon, House Bill No. 438, An act relative to real estate brokers and salesmen. To the Committee on Judiciary.

By Mrs. Read of Plainfield, House Bill No. 439, An act relative to a tax on meals served to the public. To the Committee on Ways and Means.

By Mr. Gauthier of Manchester, Ward 13, House Bill No. 440, An act relative to personnel of the Attorney General's Department and the Public Service Commission. To the Committee on Appropriations.

House Joint Resolution No. 25, Joint resolution in favor of the Estate of John H. McShea, Sr. To the Committee on Appropriations.

### Opinion from Supreme Court

The following opinions were read and ordered printed in the Journal.

#### *To the House of Representatives:*

The undersigned Justices of the Supreme Court make answer as follows to the inquiries contained in your resolution with reference to House Bill No. 186, entitled: An act providing for an income tax.

The provisions contained in section 1, permitting the use of the fiscal year as the tax period in lieu of the calendar year, appear to be open to no constitutional objection. These provisions are concerned primarily with the method of collecting the tax and cannot result in enabling any taxpayer to escape his just proportion of the tax. We, therefore, find ourselves in disagreement with the following statements in the *Opinion of the Justices*, 84 N. H. 574: "Allowing a taxpayer to use a fiscal year differing from that prescribed for taxpayers in general is plainly in conflict with the principle of equality as understood and administered in this state." The tentative and provisional nature of all advisory opinions of the Justices is thus illustrated. They "are not judgments establishing the law," "and their persuasive value may be greater or less, as the circumstances under which they were rendered show finality of judgment or the reverse in the minds of their authors." *Opinion of the Justices, supra*, 583.

The provision of section 1, that "net income" means net income as defined under the Internal Revenue Code of the United States in effect at the time of the passage of this act, does not appear to violate any provision of the constitution and will greatly facilitate the administration of the act if passed.

The provisions of section 3 allowing certain exemptions are in accordance with similar provisions of the Federal Law

and no objection to them is perceived. *Opinion of the Justices*, 84 N. H. 559, 571, 572.

The provisions of section 4, for the allocation of income from business transacted partially within this state and partially elsewhere, appear to furnish reasonable guides for the solution of a difficult problem, and no constitutional objection thereto is perceived.

In your fifth question you inquire whether there is any constitutional objection to "the implied provision that the interest and dividends tax shall remain in force and that interest and dividends shall be taxed under this act only when the net income of the person or corporation paying the interest and dividends has not been taxed under this act." No constitutional objection to such a provision is perceived, but we are of the opinion that such important matters as these should not be left to implication.

With reference to your final inquiry: "Does any other provision of said bill appear to be in conflict with the constitution?" the answer is No.

OLIVER W. BRANCH,  
FRANCIS W. JOHNSTON,  
FRANK R. KENISON,  
LAWRENCE M. DUNCAN,  
AMOS N. BLANDIN, Jr.

February 24, 1949.

*To the House of Representatives:*

The undersigned Justices of the Supreme Court make the following answer to the inquiry in your resolution with reference to House Bill No. 188, entitled, "An Act in Amendment of Chapter 84 of Revised Laws Relating to Franchise Tax."

In our opinion the proposed act is unconstitutional. Chapter 84 of the Revised Laws was apparently enacted in strict conformity to the *Opinions of the Justices*, 82 N. H. 561 and 84 N. H. 559 and imposes a property or estate tax upon franchises at "the average rate of taxation at that time upon other property throughout the state." The proposed bill would tax electric utilities at the rate of one-quarter of a mill for each kilowatt hour of electricity produced within the state during the prior taxable year and over and above the elec-

tricity consumed by the utility in connection with such production.

A "franchise or privilege to do certain things may be granted to a corporation or an individual", but "a tax laid upon it is subject to the constitutional rules of proportionality and reasonableness which apply to all taxes." *Opinion of the Justices*, 82 N. H. 561, 565. The proposal of House Bill No. 188 would change the character of the tax from an estate tax to a privilege tax, which is not permitted by our Constitution. *Opinions of the Justices*, 82 N. H. 561, 562; 84 N. H., 559, 567-568, 576.

OLIVER W. BRANCH,  
FRANCIS W. JOHNSTON,  
FRANK R. KENISON,  
LAURENCE I. DUNCAN,  
AMOS N. BLANDIN, JR.

February 24, 1949.

*To the House of Representatives:*

The undersigned Justices of the Supreme Court make answer as follows to the inquiry contained in your resolution with reference to House Bill No. 190, entitled An Act Providing for a Gross Income Tax.

This bill provides for a tax on gross income but does not meet the constitutional requirement of proportionality. N. H. Const., Pt. II, Art. 5.

The proposed measure is modeled after a similar act adopted in the state of Indiana. The Indiana statute has been regarded as imposing a "privilege tax upon receipt of gross income." *Adams Mfg. Co. v. Storen*, 304 U. S. 307.

In this state privilege taxes other than those assessed upon a proportional and equal valuation of all the different kinds of property on which they are to be levied are not permitted. *Opinion of the Justices*, 84 N. H. 559, 576. "The provision for laying excises, contained in the constitution of Massachusetts, was omitted from that of New Hampshire, *State v. Company*, 60 N. H. 219, 249. 'There is no warrant for the imposition of any other tax than one assessed upon a proportional and equal valuation of all the different kinds of property on which it is to be levied.' *Ib.*, 246 *Amoskeag Mfg. Co. v. Manchester*, 70 N. H. 336. No authority has been given

to prescribe 'an arbitrary imposition of specific taxes upon the objects named.' *Opinion of the Justices*, 76 N. H. 588, 596." *Opinion of the Justices*, 82 N. H. 561, 563.

A gross income tax does not differ from a net income tax with respect to the constitutional requirements. Either form of income constitutes a class of property taxable under the 1903 amendment to our Constitution. They are what is sometimes called property in motion as distinct from static property. Both classes are subject, however, to the constitutional requirement of proportionality or equality of rate within each class.

In *Conner v. State*, 82 N. H. 126, which held that an income tax on intangibles was valid, the following language is used: "Taxation as understood here when the constitution was amended (1903) meant equal treatment to everyone and meant, when property was the basis or measure of the tax, a uniform rate, and it was also understood that equality and uniformity were essential characteristics of every process which could be included under the term taxation.' *Williams v. State*, 81 N. H. 341, 350." The validity of an income tax was considered in *Opinion of the Justices*, 82 N. H. 561 and it was there said on page 570: "The rule is firmly established that all taxes of a given class must be laid at a common rate. This rule applies to annual taxes upon estates (*Opinion of the Justices*, 76 N. H. 609) and to inheritance taxes. *Williams v. State*, 81 N. H. 341, 351. The reasoning in the case last cited leads to the conclusion that the principles there enunciated must be applied in the taxation of incomes. The rate must be uniform." Finally, this point of a uniform rate was again made with respect to income taxes in *Opinion of the Justices*, 84 N. H. 559, 571: "As pointed out in the *Opinion of the Justices*, 82 N. H. 561, 570, et seq., all income taxes must be laid at a common rate."

The varying rates of taxation upon gross income provided for in House Bill No. 190 make it in conflict with the constitutional requirements in this jurisdiction. The bill results in classification of recipients of gross income for taxation at different rates and so is forbidden. *Opinion of the Justices*, 84 N. H. 559, 569.

In view of the conclusion reached, reply to the specific questions relating to the bill will serve no useful purpose, and accordingly we respectfully ask to be excused from answering further.

OLIVER W. BRANCH,  
FRANCIS W. JOHNSTON,  
FRANK R. KENISON,  
LAURENCE I. DUNCAN,  
AMOS N. BLANDIN, JR.

February 24, 1949.

*To the House of Representatives:*

The undersigned Justices of the Supreme Court make answer as follows to the inquiry contained in your resolution with reference to House Bill No. 189, entitled: An Act for the Taxation of Property Passing by Sale at Retail.

Your first question has reference to section 5 of the proposed act, which would require every retailer to add the sale tax imposed by the act to his sale price if over twenty-four cents and collect it from the purchaser, any "breakage" to be retained by the retailer as compensation for collecting the tax. This provision was apparently inserted to meet the objection stated in the *Opinion of the Justices*, 88 N. H. 500, 503, that a retailer cannot be called upon to act as a collector of the tax without adequate compensation for the service. With this statement we do not agree. But the above provision may be considered by the Legislature to be a proper aid in the administration of the law.

The provision contained in section 6 of the proposed act, that all sellers shall register with the Tax Commissioner and pay a fee of \$1 does not impose a tax upon sellers, but rather sets up the machinery for the administration of the law. Such registration may be sustained upon the same reasoning by which the filing of informatory inventories may be required of prospective taxpayers. The fee is a uniform contribution by all sellers to the cost of registration and as such appears to be necessary and proper. *Havens v. Attorney General*, 91 N. H. 115, 120.

Section 10 of the proposed act exempts from taxation sales of gasoline and motor fuels which are the basis of the road toll now in force. It also exempts the sale of tobacco and tobacco products now the subject of a special tax, also

sales of property which the state is prohibited from taxing under the constitution or laws of the United States; sales of an "inconsequential nature"; sales of publications issued at intervals of three months or less; sales to non-profit charitable, religious and educational institutions and sales to the state or to the federal government or to any agency of either of them. All of these exemptions appear to be proper, if not required, and violate no constitutional provision.

Your fourth inquiry is: "In the opinion of the Court, does any other provision of the bill appear to be in conflict with the constitution?" The answer to this question is No.

OLIVER W. BRANCH,  
FRANCIS W. JOHNSTON,  
FRANK R. KENISON,  
LAURENCE M. DUNCAN,  
AMOS N. BLANDIN, JR.

February 24, 1949.

*To the House of Representatives:*

The undersigned Justices of the Supreme Court make answer as follows to your resolution with reference to House Bill No. 226, entitled: An Act Providing for the Equalization of the Stock in Trade Tax.

Your first question is as follows: "May the legislature constitutionally provide for the assessment of the stock in trade tax by the Tax Commission as a local property tax upon valuations proportional to the values of taxable property throughout the state as provided in the bill?" In the preamble to the bill it is stated that "the tax as at present laid lacks uniformity of assessment in the same municipality and in competing municipalities." This appears to state a good reason for the proposed bill. The provision that the Tax Commission shall make the assessment is in accordance with the provisions of Revised Laws, Chapter 82, establishing the Tax Commission, which provides that the commission shall have general supervision over all assessing officers in the performance of their duties to the end that all assessments of property be made in compliance with the laws of the state. "Towns are but subdivisions of the state . . . Any part or all of the local duties and obligations may be assumed by the state." *Opinion of the Justices*, 84 N. H. 559, 578. We have no doubt as to the constitutional propriety of the provisions referred to by



the question. Under the proposed provisions the tax will be analagous to the tax on dividends and interest which was sustained in *Conner v. State*, 82 N. H. 126.

Your second question is as follows: "In the valuation of stocks in trade, may the assessing authority consider the salability of stock in process or at other stages?" The salability of property is a factor properly to be considered in determining its value. Hence our answer to this question is that the assessing authority may give, and in fact is bound to give such consideration as it deems just to the salability of stocks in process or at other stages.

OLIVER W. BRANCH,  
FRANCIS W. JOHNSTON,  
FRANK R. KENISON,  
LAURENCE I. DUNCAN,  
AMOS N. BLANDIN, JR.

February 24, 1949.

### Committee Reports

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 147, An act authorizing the licensing of dog races on which the pari mutuel system of betting shall be permitted, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Ways and Means, to whom was referred House Bill No. 147, An act authorizing the licensing of dog races on which the pari mutuel system of betting shall be permitted, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

DANIEL J. HEALY,  
CHARLES R. THOMAS,

*A Minority of the Committee.*

The reports were accepted.

Mr. Thomas of Dublin moved that the report of the minority "ought to pass" be substituted for the report of the majority "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Converse of Pittsburg and Pickett of Keene spoke in favor of the motion.

Messrs. Dwinell of Lebanon and Ferguson of Pittsfield spoke against the motion.

Mr. Jones of Lebanon moved that the bill and its accompanying reports be laid upon the table.

On a *viva voce* vote the Chair was in doubt.

Mr. Jones of Lebanon asked for a division.

A division being had, 139 members having voted in the affirmative and 194 members having voted in the negative, the motion did not prevail.

The question being on the motion to substitute the report of the minority "ought to pass" for the report of the majority "inexpedient to legislate."

Mr. Hinman of Stratford demanded the yeas and nays, but subsequently withdrew his demand.

The question being on the motion to substitute.

(Discussion ensued)

Mr. Healy of Manchester spoke in favor of the motion.

Mr. Scammon of Stratham moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

Mr. Jones of Lebanon moved that the House adjourn.

On a *viva voce* vote the motion did not prevail.

Mr. Jones of Lebanon asked for a division.

A division being had, the Speaker declared the vote manifestly in the negative, and the motion to adjourn did not prevail.

Mr. Jones of Lebanon demanded the yeas and nays but subsequently withdrew his demands.

Mr. Jones of Lebanon withdrew his motion to adjourn.

The question being on the motion to substitute the report of the minority "ought to pass" for the report of the minority "inexpedient to legislate."

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the majority report of the committee that the bill is inexpedient to legislate.

On a *viva voce* vote the report of the committee was adopted.

### Reconsideration

Mr. Pillsbury of Manchester moved that the House reconsider the vote whereby it adopted the report of the committee, inexpedient to legislate.

Mr. Healy of Manchester demanded the Yeas and Nays, and the roll was called with the following result:

### Yeas, 74

HILLSBOROUGH COUNTY: Geisel, Martel, Kean, Betley, Cavanaugh, Healy of Manihester, Heroux, Leclerc, O'Connor, April, Laflamme of Manchester, Lareau, Thibodeau of Manchester, Wedick, Barry.

CHESHIRE COUNTY: Thomas, Amadon, Pickett, Zimmerman, Forbes.

SULLIVAN COUNTY: Angus, Riley, Walker of Grantham, Holmes of Langdon.

GRAFTON COUNTY: Jones of Lebanon, Anderson.

COOS COUNTY: Hinchey, Moffett, Desilets, Fontaine, Gagnon of Berlin, Currier, Gould, Falkenham, Fraser, Johnson of Milan, Converse of Pittsburg, Phelan, Banker, Hinman.

ROCKINGHAM COUNTY: Rathbone, Sanborn, Alessi, Foote, Hobbs, Leary.

STRAFFORD COUNTY: Redden, Stackpole, Gouin, Marcotte, Dodge, Flanagan, Parker, Webster, Rolfe, Cartier of Rochester, Lacasse, Lagueux, Coffin.

BELKNAP COUNTY: Thompson of Laconia, Ewing.

CARROLL COUNTY: Downs, Lucy, MacGown.

MERRIMACK COUNTY: Couture, Nicoll, Coakley, Ferrin, Corbett, Saltmarsh, Chase, Burke, Dudevoir, Mullaire, Belle-rose, Holmes of Salisbury. .

## Nays, 279

HILLSBOROUGH COUNTY: Tracy, Wilson, Black, Farwell, Ellsworth, Jones of Francestown, Hambleton, Reed of Goffstown, Tirrell, Doonan, English, Goodwin of Hollis, Goodwin of Hudson, Corliss, Daniels of Manchester, Kennedy of Manchester, Danforth, Pillsbury, Sawyer of Manchester, Connor of Manchester, Dwyer, Sweeney, Fitzgerald, Nolan, Healy of Manchester, Kazakis, Malatras, O'Brien, Ecker, Sullivan of Manchester, Zyla, Sullivan of Manchester, Ward 7, Delisle, Kane, Roy of Manchester, Cary, Auger, Getz, McPhail, Roche, Roukey, Vaillancourt, Daniel of Manchester, Gauthier, Cannon, Donnelly, Peaslee of Merrimack, Falconer, Wadleigh, Fletcher, Atherton, Cooper, Ramsdell, Boire, Landry, Belcourt, Brosnahan, Spalding of Nashua, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Janelle, Shedd, Thompson of New Ipswich, Bigelow, Cummings of Peterborough, Myhaver, Osborne.

CHESHIRE COUNTY: Dort, Miller, Spofford, Perry of Jaffrey, Aldrich, Willard, Landers, Darling, Erwin, Smith of Keene, Turner, Hall, Tolman, Andrews, Sherwin, Blake, Kershaw, Lang, Rhodes, Billings, Ingham of Winchester.

SULLIVAN COUNTY: Converse of Claremont, Bissonnett, Hutchins, Baron, Simms, Stetson, Tewksbury, Nelson, Wirkkala, Cummings of Newport, Farmer, Rowell, Read of Plainfield, Gardner of Springfield, Russell, Williams of Washington.

GRAFTON COUNTY: Wadhams, Brown of Ashland, Chamberlin of Bath, Whittier, Wheeler, Willey, Eggleston, Dunbar, Grass, Williams of Grafton, Fuller, Holden, Chamberlin of Haverhill, Clough, Perry of Haverhill, Sommers, Oakes, Adams of Lebanon, Ashley, Cole, Dwinell, Madden, Collins, Hamilton, Gardner of Littleton, Kelley of Littleton, Orr, Dusik, Pushee, Roberts, Bell, Loizeaux, Barney, Sawyer of Woodstock.

COOS COUNTY: Mason, Henderson of Berlin, Lazure, Brungot, Christiansen, Bouchard, Roy of Berlin, Hamilton of Dummer, Kimball, Evans of Lancaster, Moses, Baxter, Ellingwood, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Persson, Hazelton, Fitch, Clark, Corson, Heon, Hepworth, Fecteau, Eldredge,

Elwell, Richards, Weeks of Greenland, Root, Merrill, Underwood, Stevens, Parmenter, LaBranche of Newmarket, Sewall, Carter of North Hampton, Johnson of Northwood, Colcord, Dondero, Durell, Yeaton, Laraba, Bluitte, Philbrick, Haigh, Peever, True, Durkee, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Grimes, Felker, Smalley, Crandall, Stocklan, Henderson of Durham, Wormhood, Horne, Dustin, Jones of Rochester, St. Pierre, Studley, Fernald, Green of Rollinsford, Letourneau, Cater of Somersworth, Malley, Brown of Strafford.

BELKNAP COUNTY: Perkins, McAllister, Dearborn, Obert, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Normandin, Simoneau, Tilton of Laconia, Keller, Shannon, Piper, Brown of Laconia, Ewing, Ransom, Smith of Meredith, Smith of New Hampton, Atwood, Bruno.

CARROLL COUNTY: Washburn, Hill, Thompson of Effingham, Wild, Banfield, Wiggin, Knox, Remick, Hodgdon, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Hardy, Moore, Rancour, Marden, Besse, Colbath, Kennedy of Concord, Suosso, Hurd, Nash, Tilton of Concord, Bunten, Greene of Concord, Roby, Blodgett, Sawyer of Concord, Sargent, Towle, LaBranche of Franklin, Douphinette, Lorden, Connor of Henniker, Kenney, Spiller, Carr, Lea, Ferguson, Yerxa, Savory, Stebbins.

And the motion to reconsider did not prevail.

Mr. Henderson of Durham, for the Committee on Appropriations, to whom was referred House Bill No. 403, An act relative to authority of the state treasurer to issue short term notes for the new toll road, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Barry of Wilton, for the Committee on Appropriations, to whom was referred House Bill No. 129, An act relative to charitable trusts, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 247, An act relating to the grading and marking of potatoes, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 268, An act relating to trespassing and signs therefor, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by inserting after the word "cream" in the fourth line the words, from producers; further amend by striking out in the thirteenth line before the word "day" the word, "tenth" and inserting in place thereof the word, twenty-fifth, so that said section as amended shall read as follows:

1. *Purchase of Milk.* Amend section 1 of chapter 195 of the Revised Laws by striking out said section and inserting in place thereof the following: 1. *License.* Every person who purchases milk or cream from producers or manufactured into other dairy products, shall first obtain a license and give security in accordance with sections 4 and 5; provided that no resident person, association or corporation, making such purchases and sales, shall be required to give security as long as payment for such purchases is made on or before the tenth day of each calendar month for milk and cream purchased and delivered during the first half of the previous month and on or before the twenty-fifth day of each calendar month for milk and cream purchased and delivered during the last half of the previous month; and provided further that satisfactory

evidence of payment is filed with the commissioner on the tenth and twenty-fifth days of each calendar month.

Amend section 4 of said bill by inserting in the seventh line after the word "provided" the words, shall have power and authority to act in place of said patrons whose accounts are unpaid for the collection of said unpaid accounts and, so that said section as amended shall read as follows:

4. *Authority of Commissioner.* Amend section 12 of chapter 195 of the Revised Laws by striking out said section and inserting in place thereof the following: 12. *Proceedings for Recovery.* Upon breach of the condition of a bond, mortgage, pay agreement or other security the commissioner may upon his own motion or upon application by a patron of a person whose account for products furnished such licensee remains unpaid as hereinbefore provided shall have power and authority to act in place of said patrons whose accounts are unpaid for the collection of said unpaid accounts and institute appropriate proceedings thereon in his name as trustee for the benefit of all the patrons of such licensee in this state to whom such licensee may be indebted at the time such proceedings shall be instituted. Such proceedings may be commenced in any county in this state where a patron of such licensee resides.

The report was accepted.

The amendment was laid upon the table to be printed under Rule No. 48.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 222, An act providing for longevity pay for members of the staff of teachers colleges, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations, under the rules.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 316, An act relative to taking horned pout in Umbagog lake, reported the same with the following resolution.

*Resolved,* That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted. •

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 352, An act relative to taking fish from lakes and ponds partly in another state, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 31, An act relative to penalty for hunting while intoxicated, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by inserting in the fourth line after the word "hunt" the words while in possession of a loaded gun, so that said section as amended shall read as follows:

1. *Hunting Licenses.* Amend chapter 247 of the Revised Laws by adding after section 11 the following new section: 1-a. *Intoxication.* Any person who shall be convicted of hunting or attempting to hunt while in possession of a loaded gun, while under the influence of intoxicating liquor, or any narcotic or habit-producing drug, shall be fined not more than five hundred dollars or imprisoned not more than six months, or both, his license shall be revoked and he shall be ineligible for a hunting and fishing license for one year thereafter.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 48, An act relating to the apportionment of expenses for municipalities in fighting forest fires, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 194, An act relative to the distribution of revenue from the Mt. Sunapee project, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.



Amend section 1 by striking out after the word "exceed" in the eighth line the word "ten" and inserting in place thereof the word, fifteen, so that said section as amended shall read as follows:

1. *Mt. Sunapee Project.* Amend chapter 190 of the Laws of 1949 as amended by chapter 153 of the Laws of 1945 by inserting after section 9 the following new section: 9-a. *Permanent Improvements.* From the balance of the special account established by section 9 after the payment of expenses, depreciation, upkeep and services, and the annual interest and bond or note charges, a sum not to exceed fifteen thousand dollars for each of the fiscal years ending June thirty, 1951, 1952 and 1953 may be retained in said account and paid out by the commission, with the approval of the governor and council, for permanent improvements and additional facilities at the project.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 51, An act relating to proclamation prohibiting smoking or building fires near woodland, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by adding at the end thereof the words, Whoever is found guilty of violating the provisions of this section shall be fined not more than twenty-five dollars, so that said section as amended shall read as follows:

1. *Declaring Forests Closed.* Amend chapter 233 of the Revised Laws by adding after section 37 the following new section: 37-a. *Declaring.* The governor and council, upon the recommendation of the state forester, when; in his opinion, there is danger of starting fires in the woodlands of the state due to a period of protracted drought or excessive dryness which requires extraordinary precautions, may, by official proclamation, prohibit smoking in or near woodland and prohibit the kindling of any open fire in or near woodland in any or all parts of the state for such time as they may designate. Whoever is found guilty of violating the provisions of this section shall be fined not more than twenty-five dollars.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Hinman of Stratford, for the Committee on Judiciary, to whom was referred Senate Bill No. 17, An act to legalize a special meeting of the school district of the town of New Hampton, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Brungot of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hambleton of Goffstown, for the Committee on Judiciary, to whom was referred House Bill No. 26, An act relative to public dumps and town appropriations for collection and removal of garbage and other waste materials, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Removal of Nuisances.* Amend chapter 165 of the Revised Laws by adding at the end thereof the following new subdivision:

### **Public Dumps**

26. *Public Dump Required.* Every town of over twelve hundred fifty inhabitants shall, and other towns may, provide and maintain public dumping facilities for the depositing of garbage or refuse. Public dumping facilities shall be accessible to the public one day each week and on such other days and at such hours as the selectmen, board of health or corresponding public officer may determine.

27. *Terms Defined.* As used in this subdivision the following words shall be construed as follows:

I. The term "public dumping facilities" means any reasonable provisions for the depositing or disposing of garbage

or refuse by the public maintained by public funds, provided it shall not include a dump located on a person's own property used for the express purpose of depositing garbage and refuse from his own residence.

II. The term "garbage" means all waste animal, fish, fowl, fruit or vegetable matter produced from or resulting from the use or storage of food for human consumption.

III. The term "refuse" means all combustible rubbish, ashes and ordinary commercial wastes. Building or construction wastes and industrial wastes are not included as refuse.

28. *Approval Required.* Before any public or private premises within the limits of a town shall be used for public dumping, written approval for location and the rules for maintenance shall be secured from the local board of health. Refuse may be employed for filling or grading the land, provided written permission is first secured from the board of health.

29. *Maintenance.* A town which maintains, or any person who permits the use of any land for public dumping shall provide for the proper covering or incineration of all animal and vegetable matter deposited thereon, and the disposition of other waste materials and rubbish in such a manner as not to create offensive odors, breeding places for insects and rodents, dissemination of dust or flies. No person, firm or corporation shall poison a dump for the purpose of rodent eradication unless granted permission to do so by the local board of health.

30. *Closure.* Upon complaint, or on its own motion, the state board of health may close any public dumping facilities after duly notifying the local boards of health as to its reasons for closure.

31. *Regulations.* The state board of health may make all necessary rules and regulations for the enforcement of this subdivision; and it shall be the duty of the local boards of health to assist in carrying out said regulations. Any person who violates any of the provisions of this subdivision or any rule or regulation hereunder shall be fined not more than twenty dollars.

32. *Precincts.* Any precinct or village district organized under general or special laws may, by vote under an article in the warrant for the meeting at which the action is

taken, vote to adopt the provisions of this subdivision and appropriate money for the purposes hereof.

Amend section 2 of said bill by striking out the words "a public dump" where it occurs therein and inserting in place thereof the words, public dumping facilities, so that said section as amended shall read is follows:

2. *Penalty.* Amend section 13 of chapter 165 of the Revised Laws by inserting after the word "health" in the fourth line the words, or deposits garbage or refuse on premises not designated as public dumping facilities in accordance with the provisions of sections 26 to 32, so that said section as amended shall read as follows: 13. *Offensive Matter.* If a person shall place, leave, or cause to be placed or left, in or near a highway, street, alley, public place or wharf, or shall allow to be exposed unburied, any animal or other substance liable to become putrid or offensive, or injurious to the public health or deposits garbage or refuse on premises not designated as public dumping facilities in accordance with the provisions of sections 26 to 32, he shall be fined not more than twenty dollars; and the health officer shall remove or cause to have removed the same.

The report was accepted.

The amendment was laid upon the table to be printed under Rule No. 48.

Mrs. Studley of Strafford, for the Committee on Public Health, to whom was referred House Bill No. 3, An act relative to the practice of optometry, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Revocation of Certificates.* Amend section 22, chapter 253, Revised Laws, by striking out said section and inserting in place thereof the following: 22. *Causes.* The board, after hearing, may refuse to issue a license, or may revoke any license issued under this act, if the licensee has been found guilty of any fraud in obtaining his certificate or in the practice of optometry, has been convicted of crime, is an habitual drunkard, is grossly incompetent to practice optometry, or has been guilty of unprofessional, dishonorable

or immoral conduct; or if the licensee in advertising his business has included in any newspaper, radio, display sign or other advertisement any statement of a character tending to deceive or mislead the public; or in advertising has included any statement claiming professional superiority; or has advertised in any way the performance of professional services in a superior manner; or has advertised definite or fixed prices for services and materials when the nature of the professional service rendered and the materials required must be variable; or has advertised by means of signs or printed advertisements or show cases containing the representation of glasses, or photographs of any person or has continued to practice without annual registration.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amended adopted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 362, An act relating to television sets in motor vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 1, An act relative to operation of motor vehicles when approaching school busses, reported the same in new draft and with new title, with the recommendation that the bill in its new draft and with its new title ought to pass.

The report was accepted, and the bill, in its new draft and title, ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 363, An act relating to brakes on trailers and semi-trailers, reported the same with new title, with the recommendation that the bill with its new title ought to pass.

Amend said title by striking out the words "trailers and semi-trailers" and inserting in place thereof the words, all motor vehicles, so that said title as amended shall read as follows:

An act relating to brakes on motor vehicles.

The report was accepted, and the bill, in its new title, ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 364, An act relative to spot lamps for motor vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### Resolutions

Mr. Holden of Hanover offered the following resolution:

*Whereas*, Tuesday, March 8, is Town Meeting Day,

*Resolved*, That the working days of the House for that week shall be Wednesday, Thursday and Friday, March 9, 10 and 11.

On a *viva voce* vote the resolution was adopted.

Mr. Sanborn of Wakefield offered the following resolution:

*Resolved*, That the Clerk be authorized to order 300 extra copies of today's Journal.

On a *viva voce* vote the resolution was adopted.

Messrs. Fuller of Hanover and Spaulding of Hudson offered the following resolution:

*Whereas*, we have learned of the tragedy that has come to Charles Cushman, former Representative from Orford, in the death of his wife during the burning of their home, therefore be it

*Resolved*, That we extend our heartfelt sympathy to our former fellow member in his bereavement, and be it further

*Resolved*, That the Clerk of the House transmit to Mr. Cushman a copy of these resolutions.

The resolution was unanimously adopted by a rising vote.

### Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 60, An act relative to state fish and game refuges, having considered the same, reported the same with the recommendation that the House recede from its position

of non-concurrence and concur in the amendment sent down by the Senate.

L. F. FERNALD,  
HARVEY H. CONVERSE,  
FRANCIS W. TOLEMAN,

*Conferees on the part of the House.*

CURTIS C. CUMMINGS,  
FRED G. HAYES, JR.,

*Conferees on the part of the Senate.*

On a *viva voce* vote the report was adopted.

### **Engrossed Bills Report**

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 31, An act legalizing certain action at the 1948 town meeting in Newport.

House Bill No. 69, An act relative to unemployment compensation benefits and benefit eligibility conditions.

The report was accepted.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 18, An act relating to road toll on users of fuel other than motor fuel.

House Bill No. 46, An act relating to smoking on public carriers where no smoking signs are displayed.

House Bill No. 69, An act relative to unemployment compensation benefits and benefit eligibility conditions.

House Bill No. 73, An act relative to motor vehicle accidents.

On motion of Mr. Wadleigh of Milford the rules were suspended and the third readings of bills by their titles made in order.

### Third Readings

House Bill No. 1, An act relative to operation of motor vehicles when approaching school busses, school bus signs and stop signals.

House Bill No. 3, An act relative to the practice of optometry.

House Bill No. 31, An act relative to penalty for hunting while intoxicated.

House Bill No. 48, An act relating to the apportionment of expenses for municipalities in fighting forest fires.

House Bill No. 51, An act relating to proclamation prohibiting smoking or building fires near woodland.

House Bill No. 129, An act relative to charitable trusts.

House Bill No. 194, An act relative to the distribution of revenue from the Mt. Sunapee project.

House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works.

House Bill No. 247, An act relating to the grading and marking of potatoes.

House Bill No. 352, An act relative to taking fish from lakes and ponds partly in another state.

House Bill No. 362, An act relating to television sets in motor vehicles.

House Bill No. 363, An act relating to brakes on trailers and semi-trailers.

House Bill No. 364, An act relative to spot lamps for motor vehicles.

House Bill No. 403, An act relative to authority of the state treasurer to issue short term notes for the new toll road.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 17, An act to legalize a special meeting of the school district of the town of New Hampton.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Jones of Lebanon at 1:40 o'clock the House adjourned.



FRIDAY, FEBRUARY 25, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, the inspirer and teacher of men, send out Thy light and illumine us; give us a deep and clear knowledge of Thy will toward us, of the obligations that devolve upon us in the daily tasks of life, and of ourselves; that we may the better know our strength to meet those tasks and thus fulfill Thy will. Confirm in us the sacredness of true reason; strengthen in us the aspiration toward noble and spacious thinking, and lift us above the clouds and mists, narrowness and pride that we may think Thine own thoughts after Thee. We ask it in the name of Christ. Amen.

### Leaves of Absence

Messrs. Atkins of Hanover and Mr. Stapleton of Pittsfield were granted leaves of absence for the day on account of important business.

Mr. Callum of Unity was granted leave of absence for the week on account of illness.

### Reconsideration

Mr. Evans of Lancaster moved that the vote whereby the House passed House Bill No. 194, An act relative to the distribution of revenues from Mt. Sunapee project be reconsidered.

On a *viva voce* vote the motion prevailed.

Mr. Evans of Lancaster further moved that the vote whereby the House ordered House Bill No. 194 to a third reading be reconsidered and the bill be put back upon its second reading.

On a *viva voce* vote the motion prevailed and the bill was referred to the Committee on Appropriations.

### Introduction of Bill

The following bill was introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 441, An act relating to the care, treatment and rehabilitation of sexual psychopaths. To the Committee on Judiciary.

### Committee Reports

Mr. Sanborn of Wakefield, for the Committee on Appropriations, to whom was referred House Bill No. 427, An act to provide for a reorganization plan for the departments and agencies of the state government, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 4 of the bill by striking out in line 3 the word "calendar" and inserting in place thereof the word, legislative, so that said section as amended shall read as follows: 4. *Effective Date.* The reorganizations specified in each plan shall take effect and become law in accordance with such plan upon the expiration of the first period of twenty-five legislative days following the date on which such plan is transmitted to the General Court; but only if, between the date of transmittal and the expiration of such twenty-five day period there has not been passed by the two Houses a concurrent resolution stating in substance that the General Court does not favor the reorganization plan. The General Court may also during such period pass a concurrent resolution stating in substance that the General Court does not favor one or more parts of such plan (identified by roman numerals) in which case such plan shall take effect and become law in accordance with such plan, with the exception of the parts specified in said concurrent resolution. If the General Court shall vote to adjourn or be prorogued sine die after the transmittal of a plan or plans to it but prior to the expiration of such twenty-five day period, such plan or plans shall take effect and become law in accordance with such plan or plans upon such adjournment or prorogation, with the exception of such plan, plans or parts of a plan as to which concurrent resolutions have been passed hereunder by the General Court prior to such adjournment or prorogation. Any plan or part or provision thereof may, by its terms, be made operative at a time later than the date on which the plan, part, or provisions shall otherwise take effect.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Messrs. Sanborn of Wakefield and Atherton of Nashua spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

On motion of Mr. Sanborn of Wakefield the rules were suspended, the bill was read a third time and passed, and sent to the Senate for concurrence.

Mr. Johnson of Northwood, for the Joint Committee on Executive Departments and Administration and Municipal and County Government, to whom was referred House Bill No. 171, An act relating to authority and duties of police employees, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1. *Police.* Amend section 12 of chapter 145 of the Revised Laws by striking out all after the word "governor" in the eleventh line and inserting in place thereof the words: When any police employee shall apprehend any person who has committed or attempted to commit a felony, the superintendent shall promptly make a report to the solicitor of the county in which the offense was, or was suspected of being, committed, and to the attorney-general in case of crimes punishable for twenty-five years or more and said police employee shall cooperate with said solicitor or attorney general in the investigation and prosecution of such cases, so that said section as amended shall read as follows: 12. *Authority and Duties of Police Employees.* Police employees shall be *ex-officiis* constables throughout the state, shall patrol the highways, enforce the highway traffic laws and regulations, enforce the motor vehicle laws relative thereto, and the superintendent shall report to the commissioner of motor vehicles all violations of and prosecutions under the motor vehicle laws. Police employees shall have general power to enforce all criminal laws of the state and to serve criminal processes and make arrests, under proper warrants, in all counties. They shall not serve civil processes. No police employee shall act, be used or called upon for service within any town in any industrial dispute unless actual violence has occurred therein, and then only upon order of the governor. When any police employee shall apprehend any person who has committed or attempted to commit a felony, the superintendent shall

promptly make a report to the solicitor of the county in which the offense was, or was suspected of being, committed, and to the attorney-general in case of crimes punishable for twenty-five years or more and said police employee shall cooperate with said solicitor or attorney-general in the investigation and prosecution of such cases.

The undersigned, a minority of the Joint Committee on Executive Departments and Administration, and Municipal and County Government, to whom was referred House Bill No. 171, An act relating to authority and duties of police employees, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

JOSEPH F. ECKER,	HENRY M. MOFFETT,
NED SPAULDING,	THOMAS W. FECTEAU,
L. E. MOSES,	JOSEPH F. SMITH,
NICHOLAS A. SUOSSO,	WALTER F. HAIGH,
LOUIS W. PAQUETTE,	MAURICE REDDEN,
LEO H. CATER,	FRED CARY,
ROMEO DESILETS,	

*A Minority of the Committee.*

The reports were accepted.

Mr. Ecker of Manchester moved that the report of the minority "inexpedient to legislate" be substituted for the report of the majority "ought to pass with amendment."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Jones of Lebanon, Ecker of Manchester, Sullivan of Manchester, Ward 6, Gouin of Dover, Ingham of Winchester, Rowell of Newport and Malatras of Manchester and Mrs. Brungot of Berlin spoke for the motion.

Messrs. Myhaver of Peterborough, Johnson of Northwood, Pillsbury and Sawyer of Manchester, Barney of Rumney, Underwood of Hampton, Brown of Laconia and Sanborn of Wakefield and Mrs. Dondero of Portsmouth spoke against the motion.

Mr. Johnson of Wakefield moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the report of the minority "inexpedient to legislate" for the report of the majority "ought to pass with amendment."

Mr. Remick of Tamworth demanded the Yeas and Nays, and the roll was called with the following result:

### Yeas, 189

CARROLL COUNTY: Washburn, Thompson of Effingham, MaGown, Wiggin, Knox.

MERRIMACK COUNTY: Couture, Hardy, Moore, Marden, Ferrin, Colbath, Suosso, Hurd, Corbett, Saltmarsh, Buntin, Greene of Concord, Roby, Blodgett, Sawyer of Concord, Sargent, Chase, Lorden, Kenney, Carr, Bellerose, Lea, Holmes of Salisbury.

HILLSBOROUGH COUNTY: Farwell, Spaulding of Hudson, Danforth, Geisel, Connor of Manchester, Dwyer, Martel, Sweeney, Kean, Betley, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of Manchester, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6. Heroux, Sullivan of Manchester, Ward 7, Delisle, Kane, Roy of Manchester, Cary, Auger, Getz, McPhail, Roche, Roukey, April, Lareau, Vaillancourt, Daniel of Manchester, Thibodeau of Manchester, Cannon, Donnelly, Peaslee of Merrimack, Falconer, Cooper, Boire, Landry, Belcourt, Goulet, Brosnahan, Spalding of Nashua, Marquis, Maynard, Dionne, Paquette. Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Janelle, Cote, Bigelow, Cummings of Peterborough. Barry.

CHESHIRE COUNTY: Ring, Miller, Walker of Hinsdale, Spofford, Amadon, Darling, Erwin, Smith of Keene, Zimmerman, Hall, Forbes, Tolman, Blake, Kershaw, Lang, Killeen. Ingham of Winchester.

SULLIVAN COUNTY: Converse of Claremont, Bissonnett. Hutchins, White, Baron, Simms, Stetson, Cummings of Newport, Rowell.

GRAFTON COUNTY: Walhams, Jones of Lebanon, Madden. Gardner of Littleton, Orr, Anderson.

COOS COUNTY: Dussault, Hinchey, Mason, Moffett, Desilets, Henderson of Berlin, Lazure, Bartlett, Brungot, Christiansen, Bouchard, Fontaine, Gagnon of Berlin, Roy of

Berlin, Falkenham, Hamlin of Dummer, Fraser, Evans of Lancaster, Moses, Johnson of Milan, Baxter, Ellingwood, Potter, Phelan, Taylor.

ROCKINGHAM COUNTY: Graves, Persson, Fitch, Clark, Corson, Heon, Hepworth, Fecteau, Sanborn of Fremont, Root, Stevens, Sewall, Colcord, Payette, Bluitte, Haigh, Peever, True, Durkee, Waterhouse.

STRAFFORD COUNTY: Redden, Stackpole, Gouin, Grimes, Marcott, Dodge, Stacklan, Rolfe, Dustin, Jones of Manchester, St. Pierre, LaCasse, Studley, Leach, Lagueux, Letourneau, Coffin, Cater of Somersworth.

BELKNAP COUNTY: Perkins, Weeks of Gilford, Keller, Shannon, Smith of Meredith, Smith of New Hampton, Bruno.

### Nays, 172

CARROLL COUNTY: Downs, Hill, Lucy, Wild, Banfield, Remick, Hodgdon, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Rancour, Besse, Flynn, Kennedy of Concord, Nash, Tilton of Concord, Towle, Burke, LaBranche of Franklin, Douphinette, Connor of Henniker, Dudevoir, Mullaie, Astles, Spiller, Ferguson, Yerxa, Savory, Stebbins.

HILLSBOROUGH COUNTY: Tracy, Wilson, Black, Ellsworth, Jones of Francestown, Hambleton, Reed of Goffstown, Tirrell, Doonan, English, Crosby, Goodwin of Hollis, Goodwin of Hudson, Corliss, Daniels of Manchester, Pillsbury, Sawyer of Manchester, Fitzgerald, Nolan, Simard, LaFlamme of Manchester, Wedick, Elliott, Wadleigh, Atherton, Ramsdell, Shedd, Myhaver, Osborne.

CHESHIRE COUNTY: Thomas, Perry of Jaffrey, Aldrich, Willard, Landers, Turner, Sherwin, Rhodes, Billings.

SULLIVAN COUNTY: Zopf, Tewksbury, Riley, Nelson, Walker of Grantham, Holmes of Langdon, Wirkkala, Farmer, Read of Plainfield, Gardner of Springfield, Williams of Washington.

GRAFTON COUNTY: Chamberlin of Bath, Whittier, Wheeler, Willey, Eggleston, Dunbar, Grass, Williams of Grafton, Fuller, Holden, Chamberlain of Haverhill, Clough, Perry of Haverhill, Sommers, Oakes, Adams of Lebanon,

Ashley, Cole, Dwinell, Collins, Hamilton, Kelley of Littleton, Dusik, Pushee, Roberts, Bell, Loizeaux, Barney.

COOS COUNTY: Currier, Gould, Kimball, Converse of Pittsburg, Baker, Hinman.

ROCKINGHAM COUNTY: Griffin, Hazelton, Eldredge, Elwell, Rathbone, Richards, Weeks of Greenland, Merrill, Parmenter, Labranche of Newmarket, Carter of North Hampton, Johnson of Northwood, Alessi, Dondero, Durell, Foote, Yeaton, Hobbs, Leary, Laraba, Ingham of Portsmouth, Philbrick, Evans of South Hampton, Scamman.

STRAFFORD COUNTY: Swain, Felker, Smalley, Crandall, Henderson of Durham, Parker, Webster, Wormwood, Horne, Fernald, Green of Rollinsford.

BELKNAP COUNTY: McAllister, Dearborn, Obert, Kelley of Gilmanton, Hart of Laconia, Simoneau, Tilton of Laconia, Piper, Thompson of Laconia, Brown of Laconia, Ewing, Ranson, Atwood.

### Pairs

Mr. Nicoll of Bow voting, Yes; paired with Mr. Underwood of Hampton voting, No.

Mr. Thompson of Winchester voting, Yes; paired with Mr. Pickett of Keene voting, No.

And the motion to substitute prevailed.

The question being on the report of the minority, "inexpedient to legislate."

On a *viva voce* vote the motion was adopted.

### Reconsideration

Mrs. Mason of Berlin moved that the House reconsider the vote whereby it adopted the report of the committee, "inexpedient to legislate," on House Bill No. 171.

On a *viva voce* vote the motion to reconsider did not prevail.

### Recommit

On motion of Mr. Connor of Henniker, House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture, was recommitted to the Committee on Agriculture.

On motion of Mr. Wadleigh of Milford, the rules were suspended and business in order this afternoon at 3 o'clock was made in order at the present time, and when the House adjourns today it be to meet next Tuesday, March 1 at 11:00 o'clock.

On motion of Mr. Smith of Meredith at 12:15 o'clock the House adjourned.

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TUESDAY, MARCH 1, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, in whom we live and move and have our being, Who art within our thoughts and our desires; make us worthy of Thy presence. May our thoughts be just and true, our desires upright, and our purposes sincere. Give us such an understanding of the right, and the strength to maintain it that we shall be able to live at peace with our own conscience. We ask it in the name of Jesus Christ. Amen.

### Leave of Absence

Mr. Thompson of Winchester was granted leave of absence for the day on account of death in the family.

### Communication

Mr. Richard F. Upton  
Speaker of House of Representatives  
Concord, New Hampshire

DEAR MR. UPTON:

In behalf of my family and myself I wish to express our appreciation for the resolution passed by the House regarding my Father which we have just received.

I know of nothing which would have gratified him more and few things which would have pleased him so much.

Sincerely,

AMOS N. BLANDIN, JR.



### Introduction of Bills

The following bills and joint resolutions were severally introduced, read a first and second time, and referred as follows:

By Mr. Johnson of Northwood, House Bill No. 442, An act relative to allotment of funds to towns for the maintenance of classified highways. To the Committee on Public Works.

By Mr. Simms of Claremont, Ward 3, House Bill No. 443, An act relative to licensing itinerant photographers. To the Committee on Judiciary.

By Mr. Flanagan of Dover, Ward 5, House Bill No. 444, An act relative to unemployment compensation regulations. To the Committee on Labor.

By Mr. Flanagan of Dover, Ward 5, House Bill No. 445, An act relative to determination of period of unemployment. To the Committee on Labor.

By Mr. Killeen of Walpole, House Bill No. 446, An act relative to sales of liquor. To the Committee on Liquor Laws.

By Mr. Killeen of Walpole, House Bill No. 447, An act relating to vendors of liquor. To the Committee on Liquor Laws.

By Mrs. Dondero of Portsmouth, House Bill No. 448, An act relative to compensation of election officials in the city of Portsmouth. To the Committee on Portsmouth Delegation.

By Mr. Evans of Lancaster, House Bill No. 449, An act relative to the emotionally or mentally ill. To the Committee on Public Welfare and State Institutions.

By the Committee on Rules, House Bill No. 450, An act relating to outdoor advertising. To the Committee on Judiciary.

By Mr. Dodge of Dover, Ward 4, House Joint Resolution No. 26, Joint resolution relative to operation of Bellamy Park in Dover, To the Special Committee composed of the Dover Delegation.

By Mr. Turner of Keene, House Joint Resolution No. 27, Joint resolution directing the State Planning and Development Commission to continue the study of the problems of the smaller communities. To the Committee on Executive Departments and Administration.

### Committee Reports

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred House Bill No. 340, An act relating to limitations upon accounts of building and loan associations, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out in the tenth line, after the word "account" the words "Shares issued to and held by more than one fiduciary in the same estate shall not be considered as a joint account under this chapter; further amend by striking out after the word "account" in the fourteenth line, the words, "or by execution of a power of attorney contained in any mortgage by the foreclosure thereof" so that said section as amended shall read as follows: 1. *Building and Loan Associations*. Amend chapter 314 of the Revised Laws by adding after section 8 the following new section: 8-a. *Limitations Upon Accounts*. No account established under the preceding section may at any time be credited with shares in excess of twice the number or amount permitted individuals under sections 5-b, 6, 32 and 35 of this chapter. A person shall be allowed to hold shares individually in accordance with said sections as well as jointly, but in no event shall the total number and amount of shares standing in his name, individually or jointly in any one co-operative bank or building and loan association at the same time exceed the number or amount permitted hereunder in a joint account. Any person, however, who has received shares in a co-operative bank or building and loan association by inheritance or devise under a will, or by the right of survivorship in a joint account, may continue to hold such shares notwithstanding that the total number of his shares thereby becomes greater than the limits provided in this section.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred House Bill No. 353, An act relating to name and shares of building and loan associations, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred House Bill No. 339, An act relating to the change of name of the Concord Building and Loan Association, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Eldredge of Exeter, for the Committee on Military and Veterans' Affairs, to whom was referred House Bill No. 369, An act relative to service exemption for war veterans, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

1. Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. *War Veterans.* Amend section 29, chapter 73 of the Revised Laws, as amended by chapter 174, Laws of 1943, and by chapter 4, Laws of 1944 and chapter 240, Laws of 1947, by striking out said section and inserting in place thereof the following: 29. *Service Exemption.* Every resident of this state who served not less than ninety days in the armed forces of the United States in the wars in which the United States has been engaged, as follows: Spanish-American War, April 21, 1898 - April 11, 1899; World War I, April 6, 1917 - July 2, 1921; World War II, December 8, 1941 - December 31, 1946; except those dishonorably discharged from such service or the spouse of such resident, widow of such resident, and every resident, or spouse of such resident whose services were terminated for a service-connected disability and the widow of any resident who suffered a service-connected death, in consideration of such service shall be exempt each year from taxation upon his or her taxable property as assessed by the selectmen, to the value of one thousand dollars, provided such person and spouse do not own taxable property in this state, exclusive of *bona fide* encumbrances of record thereon, to the value of more than five thousand dollars.

2. Amend section 4 by inserting after the word "authorized" in the fourth line the words, subject to the approval of the attorney general, so that said section as amended shall read as follows: 4. *State Tax Commission.* Further amend said chapter 73 of the Revised Laws as amended by chapter 240 of the Laws of 1947 by inserting after section 29-g the

following new section: 29-h. *Interpretations and Regulations.* The state tax commission is hereby authorized, subject to the approval of the attorney general, and empowered to make such reasonable interpretations and constructions of sections 29 through 29-g as will carry out their spirit and purpose, and to make such reasonable rules and regulations as will insure a uniformity of observance and enforcement thereof throughout the state.

The report was accepted and the amendment was laid upon the table to be printed in the Journal.

Mr. Remick of Tamworth, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 220, An act relative to registration of saw mills, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out section 2 and renumbering sections 3 and 4 to read sections 2 and 3.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Hambleton of Goffstown, for the Committee on Judiciary, to whom was referred House Bill No. 26, An act relative to public dumps and town appropriations for collection and removal of garbage and other waste materials, reported the same with the amendment as printed on Page 20 of Wednesday's Journal, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Sawyer of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 346, An act relating to fines collected by a municipal court, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and journals, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 of said bill by striking out the word "each" in line 6 and inserting in place thereof the word, every, and by inserting after the word "one" in line 7 the word, each, so that said section as amended shall read as follows:

4. *Bills and Resolutions.* Amend section 4, chapter 10, Revised Laws, by striking out the words "seven hundred and fifty" in the second line thereof and inserting in their place the words, eleven hundred, so that said section as amended shall read as follows: 4. *Bills and Resolutions.* The clerks of the Senate and House of Representatives shall cause to be printed eleven hundred copies of every bill and joint resolution after its second reading, and shall cause one each of such copies to be distributed to each member of those bodies as soon as printed. Twenty-five copies of each shall be delivered to the state library.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Mason of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 251, An act relating to the appointment and tenure of deputy clerks of superior courts, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 276, An act icnreasing the number of court stenographers, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Eldredge of Exeter, for the Committee on Military and Veterans' Affairs, to whom was referred House Bill No. 152, An act relative to service exemption for war veterans, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Desilets of Berlin, for the Committee on Municipal and County Government, to whom was referred House Bill No.

348, An act increasing the fees for licenses for dogs, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Studley of Rochester, for the Committee on Public Health, to whom was referred House Bill No. 241, An act relative to requirements for manufacture of ice cream, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Studley of Rochester, for the Committee on Public Health, to whom was referred House Bill No. 246, An act relative to biologicals, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Studley of Rochester, for the Committee on Public Health, to whom was referred House Bill No. 140, An act relative to mineral oil in foods and guaranty to dealer relative to original packages of foods, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out section 1 and renumbering sections 2 and 3 to read sections 1 and 2.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 156, An act relating to the dimming of lights on motor vehicles, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Motor Vehicles*. Amend chapter 119 of the Revised Laws by inserting after section 7-a as inserted by chapter 88 of the Laws of 1947 the following new section: 7-b. *Lights to be Dimmed*. At any time when lights are required to be displayed, as provided in section 7, the operator of every motor

vehicle upon meeting another vehicle shall dim or depress the beam of the headlights of his vehicle at least two hundred feet before such meeting and shall keep them so dimmed or depressed until the vehicles have passed each other. Every operator of a motor vehicle shall dim or depress the beam of the headlights of said vehicle whenever the vehicle is parked wholly or partially on a public highway during the time when lights are required to be displayed.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Brungot of Berlin, for the Committee on Coos County Delegation, to whom was referred House Bill No. 117, An act increasing the salaries of the commissioners of Coos county, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Crandall of Dover, for the Special Committee consisting of the Delegation from the city of Dover, to whom was referred House Bill No. 381, An act relative to the salary of the special justice of the municipal court of Dover, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out in the fourth and fifteenth lines after the word "Dover" the word "five" and inserting in place thereof the word, three, so that said section as amended shall read as follows:

1. *Dover Municipal Court.* Amend section 4 of chapter 377 of the Revised Laws as amended by chapters 179 and 260 of the Laws of 1947 by inserting after the words "fifteen hundred dollars" in the ninth line the words, of Dover three hundred dollars, so that said section as amended shall read as follows: 4. *Compensation of Special Justices.* The special justice and justice of the peace requested to sit owing to the disqualification of the justice and special justice shall be paid, from the treasury of the city or town wherein said court is located, three dollars a day for each day or part thereof that he shall serve in said capacity; provided, that the annual salaries of the special justices of the municipal courts of the following cities and town shall be as follows, of Manchester

eighteen hundred dollars, of Nashua fifteen hundred dollars, of Dover three hundred dollars, of Concord five hundred dollars, of Portsmouth four hundred dollars, of Laconia two hundred dollars, and of Hampton one hundred and fifty dollars, to be paid by said cities and town, respectively, quarterly, and shall be in lieu of any other compensation or fees to such justices.

Amend section 2 by striking out the words "upon its passage" and inserting in place thereof the following: January 1, 1950, so that said section as amended shall read as follows:

2. *Takes Effect.* This act shall take effect January 1, 1950.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

### Resolution

Mr. Velishka of Nashua offered the following concurrent resolution:

### Concurrent Resolution

Memorializing the congress of the United States to pass, and the president of the United States to approve, if passed, the General Pulaski's Memorial Day resolution now pending in congress.

*Whereas*, a resolution providing for the president of the United States of America to proclaim October 11th of each year as "General Pulaski's Memorial Day" for the observance and commemoration of the death of Brigadier General Casimir Pulaski is now pending in the present session of the United States Congress; and

*Whereas*, the 11th day of October, 1779 is the date in American history of the heroic death of Brigadier General Casimir Pulaski, who died from wounds received on October 9th, 1779, at the siege of Savannah, Georgia; and

*Whereas*, the States of Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Nevada, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wis-



consin, and other states of the Union, through legislative enactment designated October 11th of each year as "General Pulaski's Memorial Day"; and

*Whereas*, it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War; and

*Whereas*, the Congress of the United States of America has by legislative enactment designated from October 11, 1929 to October 11, 1946; to be General Pulaski's Memorial Day in United States of America; Now, therefore be it

*Resolved by the House of Representatives, the Senate concurring:*

That we hereby memorialize and petition the congress of the United States to pass, and the president of the United States to approve, if passed, the General Pulaski's Memorial Day resolution now pending in the United States congress.

That certified copies of this resolution, properly authenticated, be sent forthwith to each of the United States senators and representatives from New Hampshire.

The concurrent resolution was laid upon the table to be printed, and referred to the Committee on Forestry and Recreation.

(Mr. Atherton in Chair)

Mr. Tirrell of Goffstown offered the following resolution:

*Resolved*, That the Mileage Committee be authorized to continue to pay mileage on a daily attendance basis, as heretofore.

On a *viva voce* vote the resolution was adopted.

### Engrossed Bills

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 17, An act to legalize a special meeting of the school district of the town of New Hampton.

House Bill No. 49, An act legalizing certain town meetings in the town of Jackson.

House Bill No. 131, An act relating to appointment and terms of the members of the commission on interstate co-operation.

House Bill No. 155, An act legalizing certain town and school district meetings in the town of Sutton.

House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable liquids.

House Bill No. 195, An act relative to crossing state lands by public utilities.

House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works.

House Bill No. 234, An act relating to registration of motor vehicles by amputees.

Senate Bill No. 5, An act relating to investments by guardians of beneficiaries of the veterans' administration.

House Bill No. 18, An act relating to road toll on users of fuel other than motor fuel.

House Bill No. 46, An act relating to smoking on public carriers where "no smoking" signs are displayed.

House Bill No. 73, An act relative to motor vehicle accidents.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Public Employments.* Amend section 4-a of chapter 219 of the Revised Laws as inserted by chapter 148 of the Laws of 1947 by striking out said section and inserting in place thereof the following: 4-a. *Widows.* The employment preferences provided for veterans under the provisions of section 4 as amended by section 4, chapter 190, Laws of 1943, are extended to include

On motion of Mrs. Brungot of Berlin the House concurred in the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendments.

to police powers of conservation officers, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 33, An act relative

Amend section 1 of said bill by striking out the word "other" in the ninth line.

On motion of Mr. Converse of Pittsburg the House adopted the amendment as proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

### Senate Message

A message from the Honorable Senate, by its Clerk, announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 75, An act relating to the height of motor vehicles.

Amend section 1 of the bill by inserting in line 4, after the word "feet" the words, six inches; so that said section as amended shall read:

1. *Motor Vehicles.* Amend chapter 119 of the Revised Laws by inserting after section 38 the following new section: 38-a. *Height.* No vehicle whose total height including load is greater than thirteen feet, six inches, shall be operated on the highways of this state

On motion of Mr. Myhaver of Peterborough the House non-concurred in the amendments sent down from the Honorable Senate and asked for a Committee of Conference.

The Speaker appointed as members of such committee, on the part of the House, Messrs. Myhaver of Peterborough, Marden of Chichester and Roukey of Manchester.

House Bill No. 47, An act relating to obtaining transportation by fraud.

Amend the bill by striking out the words "commercial airline" where they appear and substituting the words "commercial aircraft operator."

On motion of Mr. Myhaver the House concurred in the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 161, An act relative to bonds on public works.

Amend section 1 of the bill by inserting at the end thereof the following: No such insurance company or resident agent, personally or by another, shall allow, give or pay, directly or indirectly, to any non-resident agent or non-resident broker any part of the commission on the sale of said bond. The Insurance Commissioner may suspend or revoke the license of any resident agent or insurance company violating the provisions hereof., so that said section, as amended, shall read as follows: 1. *Bonds on Public Works.* Amend section 26 of chapter 264 of the Revised Laws as amended by section 1, chapter 182 of the Laws of 1943 by adding at the end of said section the words: Said bond shall be negotiated for, procured from and the premium therefor paid to a resident agent of an insurance company registered and licensed to do business in this state, so that said section as amended shall read as follows: 26. *Bond Required.* Officers, public boards, agents or other persons who contract in behalf of the state or any political subdivision thereof for the construction, repair or rebuilding of public buildings, public highways, bridges or other public works shall if said contract involves an expenditure of ten thousand dollars, and may if it involves an expenditure of less amount, obtain as a condition precedent to the execution of the contract, sufficient security by bond or otherwise, in an amount equal to at least eighty per cent of the contract price, or of the estimated cost of the work if no aggregate price is agreed upon, conditioned upon the payment by the contractors and subcontractors for all labor performed or furnished, for all equipment hired, including trucks, for all material used and for fuels, lubricants, power, tools, hardware and supplies purchased by said principal and used in

carrying out said contract, and for labor and parts furnished upon the order of said contractor for the repair of equipment used in carrying out said contract. Said bond shall be negotiated for, procured from and the premium therefor paid to a resident agent of an insurance company registered and licensed to do business in this state. No such insurance company or resident agent, personally or by another, shall allow, give or pay, directly or indirectly, to any non-resident agent or non-resident broker any part of the commission on the sale of said bond. The Insurance Commissioner may suspend or revoke the license of any resident agent or insurance company violating the provisions hereof.

On motion of Mr. Saltmarsh of Concord the amendment was laid upon the table to be printed in the Journal.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable liquids.

House Bill No. 195, An act relative to crossing state lands by public utilities.

House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works.

House Bill No. 234, An act relating to registration of motor vehicles by amputees.

House Bill No. 49, An act legalizing certain town meetings in the town of Jackson.

House Bill No. 131, An act relating to appointment and terms of the members of the commission on interstate co-operation.

House Bill No. 154, An act providing for the appointment of temporary guardians.

House Bill No. 155, An act legalizing certain town and school district meetings in the town of Sutton.

The message further announced, that the Senate had acceded to the request of the House of Representatives for a Committee of Conference on House Bill No. 72, An act relating to a state bird, and the President has appointed on the part of

the Senate, as members of such a committee, Senators Spollett and McMeekin.

The message also announced that the Senate had voted to adopt the report of the Committee of Conference on House Bill No. 60, An act relative to state fish and game refuges.

### Resolution

Mrs. Dondero of Portsmouth offered the following resolution:

#### RESOLUTIONS

to

#### ABBIE ROBERTSON

*Whereas*, Wednesday, March 2, is the birthday of Abbie Robertson, former Representative from Hinsdale for several terms, and

*Whereas*, Mrs. Robertson is ill in hospital, therefore be it

*Resolved*, That we extend Birthday Greetings to our former fellow member with our best wishes for a speedy recovery to health, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Mrs. Robertson.

On a *viva voce* vote the resolutions were adopted.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in the afternoon to be in order at the present time, and to allow third readings of bills, by their title only.

### Third Readings

House Bill No. 26, An act relative to public dumps and town appropriations for collection and removal of garbage and other waste materials.

House Bill No. 117, An act increasing the salaries of the commissioners of Coos county.

House Bill No. 140, An act relative to mineral oil in foods and guaranty to dealer relative to original packages of foods.

House Bill No. 156, An act relating to the dimming of lights on motor vehicles.

House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and journals.

House Bill No. 220, An act relative to registration of saw mills.

House Bill No. 241, An act relative to requirements for manufacture of ice cream.

House Bill No. 246, An act relative to biologicals.

House Bill No. 251, An act relating to the appointment and tenure of deputy clerks of superior courts.

House Bill No. 276, An act increasing the number of court stenographers.

House Bill No. 339, An act relating to the change of name of the Concord Building and Loan Association.

House Bill No. 340, An act relating to limitations upon accounts of building and loan associations.

House Bill No. 346, An act relating to fines collected by a municipal court.

House Bill No. 353, An act relating to name and shares of building and loan associations.

House Bill No. 381, An act relative to the salary of the special justice of municipal court of Dover.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mrs. Wild of Jackson at 12:15 o'clock the House adjourned.

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WEDNESDAY, MARCH 2, 1949

The House met according to adjournment.

Prayer was offered by Rev. Leonard P. Edwards of Park Street Baptist Church of Pittsfield.

Almighty and Eternal Father, Our God, in whose mercy and loving kindness we move and have our being, we humbly come before Thee this morning.

We pray that Thy richest blessing may rest upon our Nation and upon our State.

We pray that we may be endued with Divine Wisdom and Patience that we may have the courage and wisdom to evaluate

our tasks in the light of Divine truth rather than to measure our opportunities by our imperfect wisdom and our faltering strength.

We pray that during this Lenten season we may remember the sacrifice that the Lord Jesus Christ has made for us all, that we may live in these days unashamed of our humble efforts to preserve the truth and to proclaim righteousness.

May all that we do and say this day be pleasing in Thy sight, O Lord, our Strength and our Redeemer.

In the name of the Lord Jesus Christ we ask. Amen.

### Leaves of Absence

Mr. Pillsbury of Manchester was granted leave of absence for the week on account of important business.

Mr. Oakes of Landaff was granted leave of absence for the week on account of illness.

### Introduction of Bills

The following bills and joint resolution were severally introduced, read a first and second time, and referred as follows:

By the Committee on Rules, House Bill No. 451, An act relative to airways toll and aeronautical fund. To the Committee on Appropriations.

By the Committee on Rules, House Bill No. 452, An act relative to airport managers and their powers and duties. To the Committee on Aviation.

By the Committee on Rules, House Bill No. 453, An act relating to factory inspection. To the Committee on Labor.

By the Committee on Rules, House Bill No. 454, An act relative to workmen's compensation. (Exempting religious or charitable organizations and providing for revocation of financial acceptance). To the Committee on Labor.

By the Committee on Rules, House Bill No. 455, An act relative to workmen's compensation. (Clarifying liability of third person). To the Committee on Labor.

By the Committee on Rules, House Bill No. 456, An act relating to workmen's compensation. (Granting to the labor commissioner the power to make awards and abolishing the jurisdiction of the superior court). To the Committee on Labor and Judiciary.



By the Committee on Rules, House Bill No. 457, An act relative to workmen's compensation. (Clarifying financial responsibility and the payment of compensation). To the Committee on Labor.

By the Committee on Rules, House Bill No. 458, An act relative to workmen's compensation. (Bringing contractors or sub-contractors under the Act). To the Committee on Labor.

By the Committee on Rules, House Bill No. 459, An act relative to workmen's compensation. (Providing for an increase in the amount of weekly compensation). To the Committee on Labor.

By the Committee on Rules, House Bill No. 460, An act relating to workmen's compensation. (Extension of insurance coverage). To the Committee on Labor.

By Mrs. Goodwin of Hollis, House Bill No. 461, An act relative to duties of the supervisors of the check-lists. To the Committee on Executive Departments and Administration.

By the Committee on Rules, House Joint Resolution No. 28, Joint resolution relative to funds for development of aeronautical facilities. To the Committee on Appropriations.

By Mr. McAllister of Barnstead, House Bill No. 462, An act to provide for the assessment and collection of a temporary state tax for a term of two years. To the Committee on Ways and Means.

By Mr. Stapleton of Pittsfield, House Bill No. 463, An act relative to the salary of the commissioners of the county of Merrimack. To the Special Committee composed of the members of the Merrimack County Delegation.

By Mr. Myhaver of Peterborough, House Bill No. 464, An act relative to operators and commercial operators licenses. To the Committee on Transportation.

By Mr. Colbath of Concord, House Bill No. 465, An act relating to conversion into federal savings and loan associations. To the Committee on Banks.

### Vacated Order

On motion of Mr. Dwinnell of Lebanon the rules were suspended and the order whereby House Bill No. 376, An act relative to collecting dog license fees, was referred to the

Committee on Municipal and County Government, be vacated and the bill referred to the Committee on Ways and Means.

### Committee Reports

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 349, An act changing the fiscal year of school districts, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 354, An act relating to enlarging schoolhouse lots, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Read of Plainfield, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 151, An act relative to public employment, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Aldrich of Keene, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 405, An act relative to destruction of papers of the health department, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Joint Resolution No. 22, Joint resolution relative to correction of state and federal owned forest lands in the town of Ellsworth, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 350, An act relating to changing the name of Long Pond in Hollis, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 97, An act relating to increase of benefits of unemployment compensation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 312, An act relating to hours of labor, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Baron of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 230, An act relating to salaries in the city of Claremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Remick of Tamworth, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 179, An act relating to registration fees for portable sawmills, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Eldredge of Exeter, for the Committee on Military and Veterans Affairs, to whom was referred House Bill No. 369,

An act relative to service exemption for war veterans, reported the same with the amendment, as printed in the Journal of March 1, page 6, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

### Taken from the Table

House Bill No. 161, An act relative to bonds on public works.

Question being on the Senate amendment as printed in the Journal of March 1, on page 15.

On motion of Mr. Elwell of Exeter, the House concurred in the amendment.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred Senate Bill No. 1, An act establishing a state song, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following: 1. *State Song*. A special committee composed of the head of the music department of the University of New Hampshire, the head of the music department of Dartmouth College, the director of the New Hampshire Symphony Orchestra, and two citizens of the state to be appointed by the first three mentioned shall study the question of the most suitable song to be adopted as the state song and shall report their findings and recommendations to this session of the legislature or, if that is not feasible, to the legislature of 1951. Said committee shall take under consideration the song "Old New Hampshire" with words by Dr. John F. Holmes, and music by Maurice Hoffmann, and shall also consider any other songs which may be suggested to them as an appropriate song for the state of New Hampshire.

The report was accepted.

Mr. Eldredge of Exeter moved that the bill be indefinitely postponed, but temporarily withdrew his motion.

The question being on the amendment.

(Discussion ensued)

Messrs. Barney of Rumney, English of Hancock, Ransome of Meredith, Dort of Keene, Hart of Laconia and Mrs. Richards, spoke in favor of the amendment.

Messrs. Pickett of Keene, Sanborn of Wakefield and Geisel of Manchester, and Mesdames Greene of Concord, Brungot of Berlin and Studley of Rochester, spoke against the amendment.

Mr. Smith of Keene moved the previous question :

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment.

Mrs. Brungot of Berlin asked for a division.

A division being had the Speaker declared the vote manifestly in the negative, and the amendment was not adopted.

Mr. Eldredge of Exeter moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Eldredge of Exeter spoke in favor of the motion.

Mr. Pickett of Keene spoke against the motion.

Mr. Atherton of Nashua moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the motion did not prevail.

The question being on the committee report, ought to pass.

On a *viva voce* vote the report was adopted, and the bill was ordered to a third reading.

On motion of Mr. Sanborn of Wakefield the rules were suspended and the bill was read a third time, by title, and passed, and sent to the Secretary of State to be engrossed.

### Reconsideration

Mr. Henderson of Durham moved that the House reconsider its vote whereby it passed Senate Bill No. 1.

On a *viva voce* vote the motion to reconsider did not prevail.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 19, An act relating to incompatibility of town offices.

Amend section 1 of the bill by striking out in the fifth line the words, "the office of town clerk", and substituting in place thereof the words, any two of the following offices; so that said section as amended shall read as follows:

1. *Town Offices.* Amend section 43, chapter 59, Revised Laws, by striking out the same and inserting in place thereof the following: 43. *Incompatibility.* No person shall at the same time hold any two of the following offices: selectman, treasurer, collector of taxes, auditor and highway agent; no person shall at the same time hold any two of the following offices: town treasurer, selectman and head of any police department on full time duty; and no official handling funds of a town shall at the same time hold the office of auditor.

On motion of Mr. Clough of Haverhill the House concurred in the adoption of the amendment sent down from the Honorable Senate. .

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 153, An act relating to fiduciaries.

Amend section 1 of the bill by inserting in the tenth line, after the word "period" the words, not exceeding in the aggregate five years; so that said section as amended shall read:

1. *Fiduciaries.* Amend section 18 of chapter 363 of the Revised Laws as amended by section 4, chapter 264, Laws of 1947, by striking out said section and inserting in place thereof the following: 18. *Filing Account.* Every trustee shall file in the probate court an annual account of administration, unless upon petition he is excused by the judge of probate; but in no event shall he be excused for a period longer than three years, except that in cases where such filing may be impractical and may work financial hardship to the trust estate the judge of probate upon written approval of the

attorney-general may extend said period not exceeding in the aggregate five years. Such annual account of administration provided for herein may be allowed by the judge of probate without publication unless he shall otherwise order. Before giving notice to settle a final account the trustees shall file it in the probate office and shall cause the fact of such filing to appear in the notice and shall at the same time file a statement of the name and residences of the beneficiaries in the trust estate.

On motion of Mr. Sawyer of Concord the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 15, An act relating to the tenure and bond of the state treasurer.

Senate Bill No. 18, An act relative to hours of service of permanent police officers.

Senate Bill No. 26, An act relative to the Congregational Society of Stratham.

Senate Bill No. 16, An act relative to operation of motor vehicles by amputees.

### **Read and Referred**

Senate Bill No. 15, An act relating to the tenure and bond of the state treasurer.

Read a first and second time and referred to the Committee on Executive Departments and Administration.

Senate Bill No. 18, An act relative to hours of service of permanent police officers.

Read a first and second time and referred to the Committee on Executive Departments and Administration.

Senate Bill No. 26, An act relative to the Congregational Society of Stratham.

Read a first and second time and referred to the Committee on Executive Departments and Administration.

Senate Bill No. 16, An act relative to operation of motor vehicles by amputees.

Read a first and second time and referred to the Committee on Transportation.

### Resolution

Mr. Angus of Claremont offered the following resolution:

*Resolved*, That a committee consisting of three members be appointed by the Speaker to confer with the director of the Unemployment Compensation Division relative to expediting the payment of unemployment compensation benefits. Said committee shall report its findings to the House as soon as possible.

The question being on the resolution.

(Discussion ensued)

Messrs. Angus of Claremont and Rowell of Newport, spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

The speaker appointed as members on such committee, Messrs. Rowell of Newport, Angus of Claremont and Fletcher of Mt. Vernon.

### Committee Report

On motion of Mr. Myhaver of Peterborough, the rules were suspended to allow of a committee report not previously advertised in the Journal.

Mr. Myhaver of Peterborough, for the Committee on Transportation, to whom was referred House Bill No. 91, An act relating to the gross weight of motor vehicles, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Gross Weight of Motor Vehicles.* Amend section 37, chapter 119, Revised Laws, as amended by chapter 11 of the Laws of 1947, by striking out said section and inserting in place thereof the following: 37. *Weight.* The operation on the highways of this state of the following is hereby prohibited:



I. A vehicle having two axles whose gross weight including load is more than thirty thousand pounds.

II. A vehicle having three axles except as hereinafter provided whose gross weight is more than forty thousand pounds.

III. A vehicle having three axles with drive on the two rear axles (the axles of such vehicle have to be not less than forty-eight inches apart and all wheels shall be equipped with adequate brakes) whose gross weight is more than forty-seven thousand five hundred pounds.

IV. A combination of vehicle and trailer or semi trailer whose gross weight is more than fifty thousand pounds, provided no such combination shall have a greater gross weight of vehicle and load than the manufacturer's gross vehicle weight rating as certified to the commissioner by the manufacturer of the vehicle.

2. *Application of Provisions.* Amend chapter 119 of the Revised Laws by inserting after section 37 the following new section: 37-a. *Exceptions.* The provisions of section 37 shall not prohibit the operation of road rollers used in the construction or maintenance of highways. 37-b. *Special Permits.* Any person wishing to move objects having a weight, width, height or length greater than prescribed by this chapter, or wishing to move vehicle and load of which the weight, width, height, or length cannot be so distributed that it will meet the requirements of this chapter, may apply to the highway commissioner for a permit to move said object or said vehicle and load upon a highway. The highway commissioner with the approval of the motor vehicle commissioner may grant a permit for the moving of said object or vehicle and load upon a specified highway and at a specified time if in his opinion it will not be detrimental to the preservation of the said highway and the public use thereof. Provided, that the applicant, if required by said commissioners, shall file a bond to cover any possible damage to the highways or to the bridges over which the object or vehicle and load to be moved may pass and to fulfill such rules and regulations as may be prescribed by said commissioners; and further provided that the state highway commissioner or the motor vehicle commissioner may require a hearing before granting said permit. This section shall not be construed to limit the powers of the highway commissioner, selectmen of

towns and city council of cities, to make rules and regulations for the protection and to prevent the abuse of highways and bridges as provided by section 7 of chapter 107, section 13 of chapter 66, and section 15 of chapter 59.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Mr. Myhaver spoke in favor of the amendment.

The bill, with the amendment pending, was laid upon the table to be printed, under Rule 46.

### Unanimous Consent

Mr. Myhaver of Peterborough asked unanimous consent to allow the printing of a letter in the Journal.

Unanimous consent was granted.

Mr. George Myhaver,  
Chairman, House Transportation Committee,  
State House,  
Concord, N. H.

DEAR MR. MYHAVER:

It is the considered opinion of the Board of Directors of the New Hampshire Truck Owners' Association in the matter of gross vehicle weights that 50,000 pounds for 3 axle tractor-trailer combinations should be a maximum.

Very truly yours,

N. H. Truck Owners' Associations, Inc.,

A. J. STABY,

*Sec. Mgr.*

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and to allow third readings of bills, by their title only.

### Third Readings

House Bill No. 350, An act relating to changing the name of Long Pond in Hollis.

House Bill No. 354, An act relating to enlarging school-house lots.

House Bill No. 369, An act relative to service exemption for war veterans.

House Bill No. 405, An act relative to destruction of papers of the health department.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Henderson of Durham at 12.33 o'clock the House adjourned.

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## THURSDAY, MARCH 3, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, the giver of life, and who hast said through Thy Son Jesus Christ, "I am come that ye might have life, and have it more abundantly." Help us to covet that fullness of life that thou hast promised. Imbue us with the fact that the abundance of life is not of necessity the length of years or in the things we possess, but in the way we use these years and things. Help us, O God, to ever remember that in this world of moral relationships, life's greatest dividends accrue from life's greatest investments. Amen.

### Leave of Absence

Mr. Malley of Somersworth was granted leave of absence for the day on account of important business.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Sullivan of Manchester, Ward 6, House Bill No. 466, An act relative to legal length of motor busses. To the Committee on Transportation.

By Mrs. Read of Plainfield, House Bill No. 467, An act relating to transportation of pupils to and from the public schools. To the Committee on Education.

### Order Vacated

Mr. Rowell of Newport moved that the rules be suspended and the order whereby House Bill No. 293, An act relative to workmen's compensation, was referred to the Committee on Insurance, be vacated and the bill referred to the Committee on Labor.

The question being on the motion.

(Discussion ensued)

Mr. Rowell of Newport spoke in favor of the motion.

On a *viva voce* vote the motion was adopted, and the bill was referred to the Committee on Labor.

### Committee Reports

Mr. Collins of Lisbon, for the Committee on Public Health, to whom was referred House Bill No. 40, An act relating to fees for returns of vital statistics, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Simoneau of Laconia, for the Committee on Public Health, to whom was referred House Bill No. 227, An act relating to the practice of embalming and funeral directing, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hamlin of Dummer, for the Committee on Public Health, to whom was referred House Bill No. 265, An act relative to recording death certificates, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hamlin of Dummer, for the Committee on Public Health, to whom was referred House Bill No. 266, An act relative to vital statistics forms, and recording records of

stillbirths, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 378, An act relating to binder chains on loads of logs, lumber and timber, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in the fourth line before the word "thousand" the word "three" and inserting in place thereof the word, five; further amend by striking out in the sixth line after the word "chains" the words "or similar" and inserting in place thereof the word, and, so that said section as amended shall read as follows:

1. *Motor Trucks, Trailers.* Amend chapter 119 of the Revised Laws by inserting after section 38 the following new section: 38-a. *Binder Chains.* No motor truck, trailer nor semi-trailer while being used to transport a load of logs, lumber or timber weighing more than five thousand pounds and averaging more than eight feet in length shall be operated on the highways of this state unless each such load of each such unit is bound by three adequate chains and binders held firmly in place and properly spaced to secure the load.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Myhaver of Peterborough, for the Committee on Transportation, to whom was referred House Bill No. 91, An act relating to the gross weight of motor vehicles, reported the same with the amendment as printed in the Journal of March 2, pages 12 and 13, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Potter of Northumberland, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 242, An act relative to the computation of period of service of sentence by paroled prisoners, reported the same with the following resolution.

*Resolved,* That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Corliss of Manchester, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Atkins of Hanover, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 307, An act relating to the salary of the superintendent of the state hospital, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Superintendent of the State Hospital.* Notwithstanding the provisions of section 1 of chapter 250 of the Laws of 1947, the salary of the superintendent of the state hospital shall be as follows: Minimum, \$10,000.00. Maximum, \$11,500.00.

2. This act shall take effect July 1, 1949.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriation, under the rules.

Mrs. Goodwin of Hollis, for the Committee on Public Welfare and State Institutions, to whom was referred Senate Joint Resolution No. 5, Joint resolution establishing a committee to investigate the status of the state sanitarium at Glencliff, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 292, An act relating to distribution of railroad taxes, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 337, An act relating to town officers' association, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 338, An act relative to the price of liquor, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 406, An act relating to the taxation of machinery, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Sanborn of Wakefield, for the Committee on Appropriations, to whom was referred House Bill No. 249, An act relative to mileage allowance for members of the legislature, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Mileage*. Amend Section 15, Chapter 9, Revised Laws as amended by Chapter 14 Laws of 1943 by striking out said section and inserting in place thereof the following: 15. *Travel*. A member of the General Court shall be allowed for mileage per mile of the round trip to and from his residence each day of attendance at the following rates, for the first forty-five miles thereof 10c per mile, for the next twenty-five miles 8c per mile, for the next twenty-five miles 6c per mile, and for all miles in excess of ninety-five miles 5c per mile. In case said round trip is less than one mile, the mileage allowance

shall be computed on the basis of one mile. Each member of the House of Representatives shall present evidence of his attendance by signing in person the roll provided for that purpose and by complying with such other regulations with respect thereto as the House may from time to time adopt. Any member of the General Court absent for any cause from such attendance shall not be allowed mileage for the day he is so absent.

2. *Distance.* Amend Section 16, Chapter 9, Revised Laws as amended by Chapter 14, Laws of 1943 by striking out said section and inserting in place thereof the following: 16. *Computation of Distance.* The distance traveled shall be computed by the nearest improved highway. The Committee on Mileage shall determine said distance and the amount of mileage to be allowed each member.

3. *Attaches.* Amend Section 17, Chapter 9, Revised Laws as amended by Chapter 214, Laws of 1943 by striking out said section and inserting in place thereof the following: 17. *Employees.* Officers and employees of the Senate and House of Representatives shall be allowed such mileage as State employees are allowed.

4. *Takes Effect.* This act shall take effect as of January 1, 1949; provided that no member of the General Court shall be entitled to additional mileage for the period from January 1 to date unless the Committee on Mileage shall be satisfied as to his actual attendance during said period.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Sanborn of Wakefield moved that the rules be suspended, and the bill be put upon its third reading, by title, and final passage at the present time.

Mr. Myhaver of Peterborough moved that the rules be suspended, and the bill be put back on its second reading.

The question being on the motion of Mr. Myhaver of Peterborough.

(Discussion ensued)

Mr. Myhaver of Peterborough spoke in favor of the motion.

Mr. Atherton of Nashua spoke against the motion.



On a *viva voce* vote the motion did not prevail.

On a *viva voce* vote the bill was read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Atherton of Nashua moved that the vote whereby the House passed House Bill No. 249, be reconsidered.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Hart of Wolfeboro, for the Committee on Appropriations, to whom was referred House Bill No. 145, An act relative to travel allowances for members of the General Court, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the motion of the committee adopted.

Mr. Cummings of Newport, for the Committee on Appropriations, to whom was referred House Bill No. 333, An act relative to travel allowances for members of the general court, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Edson of Lebanon moved that the rules be suspended to allow of a committee report not previously advertised in the Journal.

On a *viva voce* vote the motion prevailed.

Mr. Peever of Salem, for the Committee on Ways and Means, to whom was referred House Bill No. 379, An act relating to licensing of slot machines, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Dwinell of Lebanon moved that the rules be suspended to allow of a committee report not previously advertised in the Journal.

On a *viva voce* vote the motion prevailed.

Mr. Dwinell of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 187, An act relative to the taxation of machinery, reported the same in new draft with the recommendation that the bill, in its new draft, be laid on the table to be printed and recommitted to the Committee on Ways and Means.

The report was accepted, the bill, in its new draft, read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Ways and Means.

### Resolutions

Mr. Pickett of Keene offered the following resolution :

*Whereas*, today, March 3, is the thirty-ninth birthday of Gardner Clyde Turner, Representative from Keene and Chairman of the Judiciary Committee.

*Whereas*, Mr. Turner so conscientiously and ably serves state and community in this House of Representatives, and

*Whereas*, Mr. Turner is held in high regard by the membership in this House of Representatives, therefore be it

*Resolved*, That we extend to our fellow member and esteemed friend our very best wishes for a happy birthday for today and many years to come, and therefore be it further

*Resolved*, That the Clerk transmit to him a copy of these resolutions.

The question being on the resolution.

(Discussion ensued)

Mr. Pickett of Keene spoke in favor of the resolution. On a *viva voce* vote the resolution was adopted.

Mr. Turner of Keene offered the following resolution :

*Resolved by the House of Representatives, the Senate concurring*, that the General Court invites Mrs. Helen Murphy of Union, New Jersey, National President of the Auxiliary to the Veterans of Foreign Wars to address the joint convention on Wednesday, March 9 at 11:00 A. M.

On a *viva voce* vote the resolution was adopted.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 1, An act establishing a state song.

House Joint Resolution No. 2, An act in favor of Massachusetts Mutual Life Insurance Company and New England Mutual Life Insurance Company.

House Bill No. 12, An act authorizing the North Hampton School District to borrow money and to issue notes or bonds.

House Bill No. 62, An act relative to town appropriations for coasting and skating places.

House Bill No. 129, An act relative to charitable trusts.

House Bill No. 134, An act legalizing certain town meetings in the town of Freedom.

House Bill No. 153, An act relating to fiduciaries.

House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans.

House Bill No. 403, An act relative to authority of the state treasurer to issue short term notes for the new toll road.

House Bill No. 427, An act to provide for a reorganization plan for the departments and agencies of the state government.

The report was accepted.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 33, An act relative to police powers of conservation officers.

House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans.

The message further announced that the Senate had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 154, An act providing for the appointment of temporary guardians.

Amend said bill by striking out the first three lines and inserting in place thereof the following:

1. *Mentally Incompetent Person.* Amend chapter 343 of the Revised Laws by inserting after section 3 the following new section: 3-a. *Temporary Guardian.* If the court finds that

On motion of Mr. Sawyer of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 12, An act authorizing the North Hampton school district to borrow money and to issue notes or bonds.

House Bill No. 62, An act relative to town appropriations for coasting and skating places.

House Bill No. 96, An act relating to interest on delinquent taxes.

House Bill No. 129, An act relative to charitable trusts.

House Bill No. 134, An act legalizing certain town meetings in the town of Freedom.

House Bill No. 403, An act relative to authority of the state treasurer to issue short term notes for the new toll road.

House Bill No. 427, An act to provide for a reorganization plan for the departments and agencies of the state government.

House Joint Resolution No. 2, Joint Resolution in favor of Massachusetts Mutual Life Insurance Company and New England Mutual Life Insurance Company.

The message further announced that the Senate had concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 118, An act relating to cemetery records.

Amend section 1 of the bill by striking out after the word "selectmen" in the third line the words "or the person in control", and inserting in place thereof the words, person, association, commissioners or other body charged with the responsibility of operation and administration; so that said section as amended shall read as follows:

1. *Records, Fee.* Amend chapter 68 of the Revised Laws by inserting after section 3 the following new section: 3-a. *Cemetery Records.* The selectmen, person, association, commissioners, or other body charged with the responsibility of operation and administration of any cemetery, shall keep a record of every burial in any cemetery under their control, showing the date of burial and name of the person buried, when these particulars can be obtained, and the lot, or part thereof, in which the burial was made. A copy of such record, duly certified, shall be furnished to any person on demand and payment of a fee of fifty cents. The fee shall be for the use of the person issuing the certificate.

On motion of Mr. Thompson of Laconia the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 149, An act relating to the lien for sewer assessments and sewer rentals.

Amend section 2 of the bill by striking out the whole of said section and substituting therefor the following:

2. *Cities.* Amend Acts of 1945, chapter 188, part 22, section 15 by striking out the word "June" and inserting in lieu thereof the word, October, so that the same shall read as follows: 15. *Installments.* The mayor and aldermen of any city may, in their discretion, in making any assessment under this part, assess the same to be paid in annual installments extending over a period not exceeding twenty years, and in such cases their assessment so made shall create a lien upon the land on account of which it is made and the lien of each installment so assessed shall continue for one year from October first of the year such installment becomes due.

On motion of Mr. Henderson of Durham the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 75, An act relating to the height of motor vehicles.

The President appointed as members of such Committee of Conference Senators E. Cummings and Wiggin.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 29, An act in relation to notice of petitions for the right to appeal from decrees of probate courts.

Senate Bill No. 30, An act authorizing the superior court to appoint auditors in certain actions at law.

Senate Bill No. 34, An act relative to motor vehicle violations.

Senate Bill No. 35, An act relative to registration of motor vehicles.

### **Senate Bills Read and Referred**

Senate Bill No. 29, An act in relation to notice of petitions for the right to appeal from decrees of probate courts.

Read a first and second time, and referred to the Committee on Judiciary.

Senate Bill No. 30, An act authorizing the superior court to appoint auditors in certain actions at law.

Read a first and second time, and referred to the Committee on Judiciary.

Senate Bill No. 34, An act relative to motor vehicle violations.

Read a first and second time, and referred to the Committee on Transportation.

Senate Bill No. 35, An act relative to registration of motor vehicles.

Read a first and second time, and referred to the Committee on Transportation.

The message also announced that the Senate had passed the following joint resolution, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 6, Joint resolution in favor of Benjamin F. Greer.

Read a first and second time, and referred the Committee on Appropriations.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and to allow third readings of bills, by their title only, and when the House adjourns today it adjourn to be meet Wednesday morning at 11:00 o'clock.

### Third Readings

House Bill No. 40, An act relating to fees for returns of vital statistics.

House Bill No. 91, An act relating to the gross weight of motor vehicles.

House Bill No. 227, An act relating to the practice of embalming and funeral directing.

House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases.

House Bill No. 265, An act relative to recording death certificates.

House Bill No. 266, An act relative to vital statistics forms, and recording records of stillbirths.

House Bill No. 337, An act relating to town officers' associations.

House Bill No. 378, An act relating to binder chains on loads of logs, lumber and timber.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Joint Resolution No. 5, Joint resolution establishing a committee to investigate the status of the state sanitarium at Glencliff.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Hurd of Concord at 12:10 o'clock the House adjourned.

WEDNESDAY, MARCH 9, 1949

The House met according to adjournment.

Prayer was offered by Rev. Philip Randall Giles, White Memorial Universalist Church, Concord, N. H.

Eternal God, who art the ruler of all men and nations, we praise Thy name that Thou hast seen fit ever to be a co-partner with man in the ventures of his life. At no place and at no stage art Thou a stranger to him.

Therefore, O God, we do but recognize our dependence on Thee, when we ask Thy guidance in our deliberations and wisdom in our pronouncements, that, in Thy spirit, we may govern ourselves wisely and well, to the physical, mental and moral health of all our people.

We ask this our prayer in the memory of all Thy sons who have shown moral integrity and the courage of their convictions, even as did Jesus and the Prophets. Amen.

### Joint Convention

Pursuant to a resolution adopted by both branches the House and Senate being in Joint Convention, Mrs. Helen Murphy, national President of the Veterans of Foreign Wars, was introduced to the convention.

On motion of Senator Reinhart of District No. 24, the convention rose.

### House

#### Leaves of Absence

Mrs. Elkins of Hanover was granted leave of absence for the week on account of illness.

Mr. Keller of Laconia was granted leave of absence for the week on account of illness.

Mr. Fitch of Deerfield was granted leave of absence for the day on account of important business.

### Qualified

Messrs. Gillis French and Carl A. Perkins, having appeared and qualified before His Excellency, the Governor, appeared during the session and took their seats as members of the House.



### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Turner of Keene, House Bill No. 468, An act relating to the expiration of licenses to operate motor vehicles. To the Committee on Transportation.

By Mr. Grass of Franconia, House Bill No. 469, An act relative to revision of public laws. To the Committee on Executive Departments and Administration.

By Mr. Pillsbury of Manchester, Ward 2, House Bill No. 470, An act relative to closing polls at elections. To the Committee on Executive Departments and Administration.

By Mr. Pillsbury of Manchester, Ward 2, House Bill No. 471, An act relative to errors in counting ballots. To the Committee on Executive Departments and Administration.

By Mr. Danforth of Manchester, House Bill No. 472, An act relative to unemployment compensation, eligibility conditions for members of the General Court. To the Committee on Labor.

By Mr. Turner of Keene, House Bill No. 473, An act relating to appeals in municipal zoning matter. To the Committee on Judiciary.

### Committee Reports

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 175, An act relating to the distribution, sale, or transportation of insecticides, fungicides, rodenticides, and other economic poisons, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 7 of the bill by striking out said section and inserting in place thereof the following:

7. *Corrections before Registration.* If it does not appear to the Commissioner that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this act, he shall notify the

registrant of the manner in which the article, labeling, or other material required to be submitted fail to comply with the act so as to afford the registrant an opportunity to make the necessary corrections. (If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the article be registered, the Commissioner shall register the article, under protest, and such registration shall be accompanied by a warning, in writing, to the registrant of the apparent failure of the article to comply with the provisions of the act.) In order to protect the public, the Commissioner, on his own motion, may at any time, cancel the registration of an economic poison and in lieu thereof issue a registration under protest in accordance with the foregoing procedure. In no event shall registration of an article, whether or not protested, be construed as a defense for the commission of any offense prohibited under Section 2 of this act.

Amend paragraph IX of section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

IX. The term "ingredient statement" means either— (1) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison; or (2) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients if any there be, in the economic poison (except option 1 shall apply if the preparation is highly toxic to man, determined as provided in Section 9 of this act); and, in addition to (1) or (2) in case the economic poison contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed under Rule No. 46.

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 308, An act relating to diseases of domestic animals, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. *Payments.* Amend section 57 of chapter 229 of the Revised Laws by striking out the words "twenty-five" in the fourth line and inserting in place thereof the word, fifty; further amend by striking out the word "fifty" in the fifth line and inserting in place thereof the words, seventy-five; and further amend by adding at the end thereof the words, provided however, that payment shall not be paid to any owner of bovine animals as a result of any subsequent test for brucellosis, if, on such subsequent test, five per cent or more herd infection is revealed, unless or until said owner makes application as specified under section 46-a of this chapter for vaccination of all bovine animals owned by him between the ages of six and eight months, so that said section as amended shall read as follows: 57. *Payments.* The state shall pay the owner, after he has filed such certificate or certificates as the commissioner may direct, one-third of the appraised value on all horses condemned and killed and for all bovine animals condemned and killed an amount not to exceed fifty dollars for a grade animal and seventy-five dollars for a registered pure bred animal providing that the amount received from salvage, from the federal government, and from the state shall not exceed the appraised value thereof; provided, however, that payment shall not be paid to any owner of bovine animals as a result of any subsequent test for brucellosis if, on such subsequent test, five per cent or more herd infection is revealed, unless or until said owner makes application as specified under section 46-a of this chapter for vaccination of all bovine animals owned by him between the ages of six and eight months.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of the bill by inserting after the word "cream" in the fourth line the words, from producers, further

amend by striking out in the thirteenth line before the word "day" the word, "tenth" and inserting in place thereof the word, twenty-fifth and further amend by adding at the end thereof the words, and provided further that the provisions of this section shall not apply to producer-dealer making such purchases from not more than two producers within this state, so that said section as amended shall read as follows:

1. *Purchase of Milk.* Amend section 1 of chapter 195 of the Revised Laws by striking out said section and inserting in place thereof the following: 1. *License.* Every person who purchases milk or cream from producers or manufactured into other dairy products, shall first obtain a license and give security in accordance with sections 4 and 5; provided that no resident person, association or corporation, making such purchases and sales, shall be required to give security as long as payment for such purchases is made on or before the tenth day of each calendar month for milk and cream purchased and delivered during the first half of the previous month and on or before the twenty-fifth day of each calendar month for milk and cream purchased and delivered during the last half of the previous month; and provided further that satisfactory evidence of payment is filed with the commissioner on the tenth and twenty-fifth days of each calendar month; and provided further that the provisions of this section shall not apply to producer-dealer making such purchases from not more than two producers within this state.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Black of Bennington, for the Committee on Aviation, to whom was referred House Bill No. 408, An act relative to making appropriation for and on behalf of New Hampshire Wing Civil Air Patrol, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred House Bill No. 410, An act changing the name of Peoples Building and Loan Association of Rochester to Peoples Cooperative Savings Bank of Rochester, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of the bill by striking out in the sixth line the word "savings" so that said section as amended shall read as follows:

1. *Change of Name.* The name of Peoples Building and Loan Association of Rochester, a building and loan association organized in 1907 under the provisions of chapter 93, Laws of 1887, now known as chapter 314 of the Revised Laws, shall be changed to Peoples Cooperative Bank of Rochester.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 128, An act relative to an additional appropriation for the fish and game department for an extended program of propagation, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. *Fish and Game.* Amend section 41-a of chapter 240 of the Revised Laws, as inserted by chapter 272, Laws of 1947, by striking out the words "for each of the fiscal years ending June 30, 1948 and June 30, 1949" in the fifth and sixth lines and inserting in place thereof the word, annually; further amend by striking out in the fourth line the words "and fifty"; further amend by striking out in the seventeenth and eighteenth lines the words and figures "one hundred fifty thousand dollars (\$150,000) and inserting in place thereof the words and figures, one hundred thousand dollars (\$100,000), so that said section as amended shall read as follows: 41-a. *Program of Propagation.* In addition to the fish and game fund and to any other moneys appropriated by the legislature for the fish and game department there is hereby appropriated the sum of one hundred thousand dollars annually, for the purpose of an expanded program for the propagation of fish and game, by the director with the approval of the commission. The sums hereby appropriated shall be a continuing appropriation and shall not lapse, but shall be held by the state treasurer in a separate fund for the purposes of propagation of fish and game only. The governor is hereby authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated, or the state

treasurer, with the consent of the governor and council, may for the purposes hereof borrow money from time to time by the issuance of serial notes in such sums as are needed, not to exceed one hundred thousand dollars (\$100,000) annually. Said serial notes and interest thereon shall be a charge upon the sinking fund as provided by chapter 126 of the Laws of 1931.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 384, An act increasing the number of brook trout which may be taken in one day, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 330, An act relating to the use of firearms in certain cases, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 332, An act relating to the transportation and tagging of deer, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Sawyer of Manchester, for the Committee on Municipal and County Government, to whom was referred House Bill No. 9, An act relative to voting by ballot at town meetings, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Clough of Haverhill, for the Committee on Municipal and County Government, to whom was referred House Bill No. 61, An act relating to the municipal budget committee, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Roberts of Orford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 192, An act authorizing the town of Belmont to issue notes or bonds for water system, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Green of Rollinsford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 233, An act relating to competitive bidding on county purchases, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Gardner of Littleton, for the Committee on Municipal and County Government, to whom was referred House Bill No. 322, An act relating to duties of county commissioners, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Underwood of Hampton, for the Committee on Municipal and County Government, to whom was referred House Bill No. 324, An act providing for reports under the municipal budget law and defining the duties of certain officials thereunder, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Wild of Jackson, for the Committee on Judiciary, to whom was referred House Bill No. 177, An act relating to

zoning in towns, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Wadleigh of Milford, for the Committee on Judiciary, to whom was referred House Bill No. 120, An act relating to investments of trustees, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Investments.* Amend section 17 of chapter 363 of the Revised Laws by inserting in Paragraph IV after the word "securities" in line 1 the words, including the shares of any open-end or closed-end management type investment company or investment trust which is registered under the Federal Investment Company Act of 1940 as from time to time amended and which may be sold under the rules, regulations, and exemptions of the Insurance Department of the State of New Hampshire, so that said Paragraph IV as amended shall read as follows: IV. In such bonds or stocks or other securities, including the shares of an open-end or closed-end management type investment company or investment trust which is registered under the Federal Investment Company Act of 1940 as from time to time amended and which may be sold under the rules, regulations, and exemptions of the insurance department of the state of New Hampshire, as a prudent man would purchase for his own investment having primarily in view the preservation of the principal and the amount and regularity of the income to be derived therefrom; provided, however, that not less than fifty per cent of the inventory or the cost value of the assets of the trust shall be invested in classes of property which qualify under paragraphs I, II, and III of this section.

Trustees shall be accountable for, and may be licensed to sell, stocks, bonds, and other written evidence of debt.

If any provision of the Revised Laws is inconsistent with this section, the latter shall govern.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.



Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 224, An act relative to allegations of misconduct in divorce proceedings, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Misconduct.* Amend chapter 339 of the Revised Laws by adding after section 33 the following new section: 34. *Third Parties.* Any person not a party to the proceedings who is accused of misconduct with the libelee in a libel or cross libel for divorce and petition or cross petition for legal separation shall be duly served seasonably with an attested copy of such libel or petition with the usual order of notice thereon. Such service shall not be required when it appears that said third party resides outside the state nor when said third party has been convicted of such misconduct with the libelee as charged in said libel or petition. Such third party, wherever he may reside, shall have the right to appear and be heard in said proceedings.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Sawyer of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 240, An act in relation to marriages, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of said bill by striking out the word "parties" in line 7 and inserting in place thereof the word, party, so that said section as amended shall read as follows:

1. *Amendment.* Amend section 6 of chapter 338 of the Revised Laws by striking out said section and inserting in place thereof the following: 6. *Petition by Party Under Age.* If special cause exists rendering desirable the marriage of a person below the age of consent and above the ages specified in section 4, and if one of the parties desiring to contract said marriage is a resident of this state, such party with the parent or guardian having custody of such party below such age, may apply in writing to a justice of the superior court or to the judge of probate of the county in which one of such parties reside, for permission to contract such marriage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Underwood of Hampton, for the Committee on Municipal and County Government, to whom was referred House Bill No. 380, An act relative to competitive bidding for county purchases, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of the bill by striking out the word "two" in the fourth, seventh and fifteenth lines and inserting in place thereof the word, three, so that said section as amended shall read as follows:

1. *County Purchases.* Amend section 8 of chapter 47 of the Revised Laws by striking out the word "fifty" where it occurs in the second and the eighth lines and inserting in place thereof the words, three hundred, so that said section as amended shall read as follows: 8. *Competitive Bidding.* Any purchase of equipment or materials made by a county in an amount exceeding three hundred dollars, shall be by competitive bidding, provided that the county commissioners by unanimous vote may waive the provisions for such bidding. In case the commissioners so vote a copy of such action shall be recorded in their offices with a statement of the reasons therefor and such record shall be open to public inspection. Orders for equipment or material to be delivered at different times where the single delivery may be less than three hundred dollars, but the total order exceeds that amount shall be construed as coming within the provisions hereof requiring competitive bidding.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Special Committee consisting of the delegation from the city of Berlin, to whom was referred House Bill No. 396, An act relating to check-lists in the city of Berlin, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### Interim Report

The following report was accepted and ordered\* printed in the Journal:

Portsmouth, N. H.  
March 1, 1949

*To the Senate and House of Representatives,  
1949 Session of the Legislature:*

The Maine-New Hampshire Interstate Bridge Authority submits herewith, to the 1949 Session of the Legislature of the State of New Hampshire, its fifth Biennial Report as required by an Act of the State of Maine designated Chapter 18, Private and Special Laws of 1937, and an Act of the State of New Hampshire designated Chapter 4, Special Session (1936).

Our reports to the Legislature during the War years were on quite a pessimistic note. We were more hopeful of the ultimate success of our undertaking in our Fourth Biennial Report, and, it is believed, we now can look forward with still more optimism to the future.

In 1945 when we were able to refund our outstanding bonds from 4 to 2¼%, a Trust Indenture was set up under which we now are operating. This Trust Indenture defines in detail all steps covering our financial relations with our bondholders among which is the necessity of complying with its requirements in regard to deposits to the credit of the Interest and Sinking Fund. We wish to quote as follows from the semi-annual audited report for the period July 1, 1948 to December 31, 1948 of the certified public accountant who examines our financial status twice a year:

"Reference is made to Article III, Section 301, in regard to *Toll Income* and *Railroad Rent* being sufficient to provide required amounts to Interest and Sinking Fund.

For general information the following tabulation shows that the requirements have been met:

- (1) Deposits required to be made to Interest and Sinking Fund (From Revenue Fund) for calendar years 1946, 1947, and 1948.
- (2) Deposits made to Interest and Sinking Fund (From Revenue Fund) for calendar years 1946, 1947, and 1948.

Calendar Year	(1) Required	(2) Deposits	Excess of Required
1946	\$60,000.00	\$111,381.09	\$51,381.09
1947	80,000.00	130,755.88	50,755.88
1948	100,000.00	135,652.04	35,652.04
Total	<u>\$240,000.00</u>	<u>\$377,789.01</u>	<u>\$137,789.01</u>

Thus, requirement for above calendar years has been met."

It was necessary as a preliminary to our refunding to employ traffic engineers with a national reputation. At that time, these engineers set up an amortization table in which they attempted to predict for the period from 1945 to 1969 the rate that our bonds should be retired.

Before any bonds can be retired, we are obliged to accumulate enough money so that we will have two semi-annual interest payments and two months budget requirements on hand. The traffic engineers, on that basis, figured that on August 1, 1948, we should have been able to retire \$65,000 worth of bonds. The facts are that we were able to retire \$121,000 in bonds in 1947, \$64,000 in bonds in 1948, and we had on hand in available cash on December 31, 1948 enough money in addition to buy \$10,000 more in bonds. (This amount of bonds was bought in January, 1949.) The tabulation above indicates that we were making more money than was anticipated and the fact that we have retired more bonds than was scheduled still further confirms this.

We now have been in operation for eight full years, in addition to a part of November and the entire month of December, 1940, and the following tabulation is submitted for this period:

#### Revenues from Tolls only

1940 (Nov. & Dec.)	\$12,487.65
1941	148,607.70
1942	77,321.30
1943	64,449.05
1944	83,012.35
1945	102,742.05
1946	162,233.80
1947	177,136.10
1948	196,917.05
Total Revenue	<u>\$1,024,907.05</u>

During this period, we have received in addition to the above an annual rental of \$41,000.00 from the Boston and Maine Railroad for the use of the bridge.

There are three main sources of toll revenue, viz: automobiles, trucks and busses. The following tabulation shows the number of automobiles using our facility.

#### Automobiles

1940 (Nov. & Dec.)	112,834
1941	1,395,707
1942	652,045
1943	439,441
1944	586,701
1945	796,949
1946	1,336,887
1947	1,459,560
1948	1,607,552

Total Automobiles

8,387,676

We are showing the same gradual increase in traffic as that which parallels facilities similar to ours in other sections of the country and is a reflection of the gradual increase of new automobiles which have come from the manufacturers in the last two years.

We are particularly gratified by the patronage which we continue to receive from truck and bus operators. This use is showing a steady growth as can be seen in the following tabulation:

#### Trucks and Busses

1940 (Nov. & Dec.)	4,810
1941	37,336
1942	75,213
1943	151,842
1944	164,219
1945	145,857
1946	158,328
1947	179,618
1948	195,279

Total Trucks and Busses

1,112,502

• Total Vehicles using the Bridge  
since it was opened in 1940

9,500,178

During the years 1949 and 1950 probably we will be obliged to repaint the bridge and other structures. With the money that we now have in the Maintenance Reserve Fund, in addition to the revenue from an anticipated increase of traffic, we are of the opinion that we will continue to retire our bonds at least as at the same rate as in 1948.

During the last two years, there has been one change in the Authority. This was brought about by the resignation of Mr. Stillman E. Woodman from the Maine State Highway Commission. His membership on the Authority has been filled by the appointment of Mr. Lloyd B. Morton of Farmington, Maine, who has become the Chairman of the Maine State Highway Commission and, thus, automatically a member of this Authority.

The personnel of the Authority is as follows:

Representing Maine:

Lloyd B. Morton, Farmington, Vice-Chairman

Hollis B. Cole, Kittery, Treasurer

Joseph T. Sayward, Kennebunk

Representing New Hampshire:

Frederic E. Everett, Concord, Chairman

Frank E. Brooks, Portsmouth,

Clerk and Assistant Treasurer

Treasurer

Doctor James J. Powers, Manchester

Attached herewith and made a part of this report are graphs showing certain information pertaining to our activities.

Respectfully submitted,

FREDERIC E. EVERETT, Chairman,

The Maine-New Hampshire

Interstate Bridge Authority

### Recommitted

On motion of Mr. Velishka of Nashua, the rules were suspended, and House Bill No. 25, An act relative to qualifications for old age assistance, was brought forward in the Journal, under committee reports of Thursday's Journal, March 9, and recommitted to the Committee on Public Welfare and State Institutions.

On motion of Mr. Clough of Haverhill, the rules were suspended, and House Bill No. 196, An act relating to county agents, was brought forward in the Journal, under committee reports of Thursday's Journal, March 9, and recommitted to the Committee on Municipal and County Government.

### Resolution

Mr. Sullivan of Manchester, Ward 6, offered the following resolution:

#### RESOLUTION

on

#### SURVEY OF THE MERRIMACK AND CONNECTICUT RIVERS

*Whereas*, House Resolution No. 3040 has been introduced into the Congress of the United States by Congressman Furculo of Springfield, Mass., and

*Whereas*, House Resolution No. 3040 is a bill to provide for a comprehensive survey to promote the development of hydroelectric power, flood control, and other improvements on the Merrimack and Connecticut Rivers and such other rivers in the New England states where improvements are feasible, and

*Whereas*, a survey of the Merrimack River is both desirable and necessary in order to determine the feasibility of the development of hydroelectric power and other improvements on the Merrimack River, therefore be it

*Resolved*, by the House of Representatives that it endorse House Resolution No. 3040, and be it further

*Resolved*, That the Clerk be instructed to forward copies of this resolution to the members of the New Hampshire delegation, to the National Congress and to Congressman Furculo, author of the bill.

The question being on the resolution.

On a *viva voce* vote the resolution was referred to the Committee on Judiciary.

Mr. Sullivan of Ward 6, Manchester, moved that the rules be suspended, and reference of the resolution to a committee be dispensed with and the resolution be put upon its final passage at the present time.

The question being on the motion.

(Discussion ensued)

Messrs. Kazakis of Manchester, Pickett of Keene and Spaulding of Hudson, spoke in favor of the motion.

Messrs. Pillsbury of Manchester and Turner of Keene, spoke against the motion.

Mr. Lea of Pembroke asked for a division.

A division being had, 121 members having voted in the affirmative, and 143 members having voted in the negative, and less than two thirds having voted to suspend the rules, the motion was lost and the resolution was referred to the Committee on Judiciary.

### Engrossed Bills

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Joint Resolution No. 5, Joint resolution establishing a committee to investigate the status of the State Sanitarium at Glencliff.

House Bill No. 8, An act relative to labor contracts.

House Bill No. 19, An act relating to incompatibility of town offices.

House Bill No. 33, An act relative to police powers of conservation officers.

House Bill No. 84, An act relative to pensions for school teachers in the city of Dover.

House Bill No. 118, An act relating to cemetery records.

House Bill No. 142, An act relative to zoning regulations for certain privately-owned airports.

House Bill No. 143, An act relating to liens for storage of aircraft.

House Bill No. 154, An act providing for the appointment of temporary guardians.

House Bill No. 157, An act legalizing the proceedings of the biennial election in the town of Lyman.

House Bill No. 159, An act granting school districts temporary emergency exemption from certain provisions of the municipal bonds statute.



House Bill No. 209, An act relative to form of declarations of candidacy for delegates to the national presidential conventions.

House Bill No. 218, An act relating to the directors of insurance companies.

House Bill No. 238, An act relative to legal investments of savings banks.

House Bill No. 362, An act relating to television sets in motor vehicles.

House Bill No. 364, An act relative to spot lamps for motor vehicles.

The report was accepted.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 149, An act relating to the lien for sewer assessments and sewer rentals, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the first three lines and inserting in place thereof the following:

2. *Cities.* Amend section 15, part 22 of chapter 90, Revised Laws, as inserted by chapter 188, Laws of 1945, by striking out the word "June" and inserting in place thereof the word, October, so that said section as amended shall read as follows: 15. *Installments.*

On motion of Mr. Henderson of Durham the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 47, An act relating to obtaining transportation by fraud, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Transportation by Fraud.* Amend section 7 of chapter 450 of the Revised Laws by striking out said section and

inserting in place thereof the following: 7. *Obtaining Transportation*. If any person, with

On motion of Mr. Myhaver of Peterborough the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 161, An act relative to bonds on public works, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first seven lines and inserting in place thereof the following:

1. *Bonds on Public Works*. Amend section 26 of chapter 264 of the Revised Laws, as amended by section 1, chapter 182, Laws of 1943, by striking out said section and inserting in place thereof the following: 26. *Bond Required*. Officers, public boards, agents

On motion of Mr. Saltmarsh of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### Resolution

Mr. Pillsbury of Manchester offered the following resolution:

*Resolved*, That the Clerk be instructed to procure 750 extra copies each of the following entitled bills:

House Bill No. 434, An act providing for a council manager form of government for the city of Manchester.

House Bill No. 436, An act to provide for a strong mayor-council form of government for the city of Manchester.

On a *viva voce* vote the resolution was adopted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives.

House Bill No. 8, An act relative to labor contracts.

House Bill No. 10, An act relative to the practice of barbering.

House Bill No. 84, An act relative to pensions for school teachers in the city of Dover.

House Bill No. 132, An act to repeal chapter 12 of the Laws of 1830 as amended by chapter 813 of the Laws of 1948 incorporating the trustees of the Pittsfield Academy.

House Bill No. 141, An act relative to suspension or revocation of certificates issued under New Hampshire Aeronautics Act.

House Bill No. 142, An act relative to zoning regulations for certain privately-owned airports.

House Bill No. 143, An act relating to liens for storage of aircraft.

House Bill No. 157, An act legalizing the proceedings of the biennial election in the town of Lyman.

House Bill No. 159, An act granting school districts temporary emergency exemption from certain provisions of the municipal bonds statute.

House Bill No. 163, An act relative to the investments of domestic life insurance companies.

House Bill No. 193, An act relating to pupils.

House Bill No. 209, An act relative to form of declarations of candidacy for delegate to the national presidential convention.

House Bill No. 218, An act relating to the directors of insurance companies.

House Bill No. 238, An act relative to legal investments of savings banks.

House Bill No. 253, An act relating to parking of motor vehicles.

House Bill No. 254, An act relating to deferred posting by banks.

House Bill No. 362, An act relating to television sets in motor vehicles.

House Bill No. 363, An act relating to brakes on all motor vehicles.

House Bill No. 364, An act relative to spot lamps for motor vehicles.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 38, An act pertaining to burning property.

Senate Bill No. 50, An act legalizing the proceedings at the school meetings in the town of Hudson held on March 5, 1949.

### **Senate Bill Read and Referred**

Senate Bill No. 38, An act pertaining to burning property.

Read a first and second time and referred to the Committee on Executive Departments and Administration.

Senate Bill No. 50, An act legalizing the proceedings at the school meetings in the town of Hudson held on March 5, 1949.

Read a first and second time, and referred to the Committee on Municipal and County Government.

Mr. Spaulding of Hudson moved that the rules be suspended, printing and reference to a committee be dispensed with, and the bill be put upon its third reading and final passage at the final time.

The question being on the motion.

(Discussion ensued)

Mr. Goodwin of Hudson spoke against the motion.

Mr. Spaulding of Hudson withdrew his motion, and the bill was referred to the Committee on Municipal and County Government.

### **Committee of Conference Report**

The Committee of Conference, to whom was referred House Bill No. 75, An act regulating the height of vehicles carrying lumber, logs, and timber, reported the same with the recommendation that the House recede from its position of non-concurrence and adopt the amendment sent down by the Senate.

GEORGE A. MYHAVER,  
SHIRLEY A. MARDEN,  
JOSEPH ROUKEY,

*Conferees on the part of the House.*

RALPH WIGGIN,  
ERWIN CUMMINGS,

*Conferees on the part of the Senate.*

On a *viva voce* vote the report was adopted.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and to allow third readings of bills, by their title only.

### Third Readings

House Bill No. 120, An act relating to investments of trustees.

House Bill No. 177, An act relating to zoning in towns.

House Bill No. 192, An act authorizing the town of Belmont to issue notes or bonds for water system.

House Bill No. 224, An act relative to allegations of misconduct in divorce proceedings.

House Bill No. 240, An act in relation to marriages.

House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture.

House Bill No. 380, An act relative to competitive bidding for county purchases.

House Bill No. 396, An act relating to checklists in the city of Berlin.

House Bill No. 410, An act changing the name of Peoples' Building and Loan Association of Rochester to Peoples' Co-operative Savings Bank of Rochester.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Spiller of New London at 12.33 o'clock the House adjourned.

THURSDAY, MARCH 10, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, who in the former days didst lead thy people out of bondage into liberty, and who through Thy Son Jesus Christ didst say: "Ye shall know the truth and the truth shall make you free"; Give us a deeper knowledge of that truth that we may maintain our liberties. Remember those in other lands who are persecuted for righteousness' sake; keep far from us the hand of oppression, and hasten Thou the time when the nations of the word shall be brought into the way of justice and truth and have established among them that peace and freedom that is the fruit of righteousness; through Jesus Christ our Lord. Amen.

### Leaves of Absence

Messrs. Adams of Greenfield, Bigelow of Pelham, Persson of Candia, Dwinell of Lebanon and Walker of Grantham, were excused for the day on account of important business.

### Introduction of Bills

The following bills and joint resolutions were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 474, An act relative to state bridge aid. To the Committee on Public Works.

By the Committee on Rules, House Bill No. 475, An act relating to the salaries of the state librarian and the assistant state librarian. To the Committee on Appropriations.

By the Committee on Rules. House Bill No. 476, An act providing for the classification of certain surface waters. To the Committee on Public Health.

By the Committee on Rules, House Bill No. 477, An act to restrict the use of purses, seines and beam trawls on the New Hampshire sea coast. To the Committee on Fisheries and Game.

By the Committee on Rules, House Bill No. 478, An act relative to construction and reconstruction of primary and secondary highways. To the Committee on Appropriations.

By the Committee on Rules, House Joint Resolution No. 29, Joint resolution in favor of the estate of E. James Winslow. To the Committee on Appropriations.

By the Committee on Rules, House Joint Resolution No. 30, Joint resolution in favor of the estate of William K. Davis. To the Committee on Appropriations.

### Printing Dispensed With

On motion of Mr. Laraba of Portsmouth, the rules were suspended, and the printing of House Joint Resolutions Nos. 29 and 30 were dispensed with.

### Committee Reports

Mr. Henderson of Durham, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 25, Joint resolution in favor of the estate of John H. McShea, Sr., reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Johnson of Northwood, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 228, An act relative to inspectors of weights and measures, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass:

Amend section 1 of the bill by striking out all after the word "Inspectors," and inserting in place thereof the words, there shall be not exceeding five inspectors of weights and measures, who shall be appointed by the commissioner, with the advice and consent of the governor and council. Their annual salaries shall not exceed two thousand dollars each, so that said section as amended shall read as follows:

1. *Weights and Measures.* Amend section 3 of chapter 192 of the Revised Laws by striking out said section and inserting in place thereof the following: 3. *Inspectors.* There shall be not exceeding five inspectors of weights and measures, who shall be appointed by the commissioner, with the advice and consent of the governor and council. Their annual salaries shall not exceed two thousand dollars each.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Moffett of Berlin, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 284, An act relative to form of election ballots, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Johnson of Northwood, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 289, An act relative to exemptions from attachment, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass:

Amend paragraph III of section 1 of the bill by striking out the word "five" and inserting in place thereof the word, three, so that said paragraph as amended shall read as follows:

III. Household furniture to the value of three hundred dollars.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Willey of Campton, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 341, An act relative to so-called write-in political candidates, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee. inexpedient to legislate.

(Discussion ensued)

Mr. Velishka of Nashua spoke against the resolution.

Mr. Velishka of Nashua moved that the bill be re-committed to the committee.

The question being on the motion to recommit.

(Discussion ensued)



Mr. Johnson of Northwood spoke for the motion.

On a *viva voce* vote the motion was adopted, and the bill was recommitted to the committee.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 45, An act relating to method of payment for forest fire expenses, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 244, An act establishing the rule for the measurement of round timber, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 176, An act relating to non-resident hunting licenses, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 197, An act relating to resident hunting and fishing licenses, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Green of Rollinsford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 382, An act legalizing the school meeting in the town of South Hampton, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Blake of Swanzey, for the Committee on Public Works, to whom was referred House Bill No. 258, An act relative to maintenance of recreational roads, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass:

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. *Classification of Highways.* Amend section 6 of part 2 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 and as amended by section 2, chapter 215, Laws of 1947, by striking out said section and inserting in place thereof the following: 6. *Class III Recreational Roads.* The state highway department shall assume full control of reconstruction and maintenance of roads designated by the forestry and recreation commission and highway commissioner within the following state reservations and rights of way thereto, and such roads shall be known as recreational roads; Belknap State Reservation in the town of Gilford; Cathedral Ledge State Reservation in the towns of Conway and Bartlett; Pillsbury State Reservation in the town of Washington; White Lake State Park in the town of Tamworth; Pawtuckaway State Reservation in the towns of Nottingham and Deerfield; Milan Hill State Park in the town of Milan; Cardigan State Reservation in the town of Orange; Kearsarge State Reservation in the town of Wilmot; Mt. Sunapee State Park in the town of Newbury; Rhododendron State Reservation in the town of Fitzwilliam. Bear Brook State Reservation in the towns of Deerfield, Hooksett, Allentown and Candia; and the road formerly known as the Kearsarge Mountain Toll road in the town of Warner, extending from the original toll gate location to its terminus near the summit of Kearsarge Mountain; and Monadnock State Forest Reservation in the town of Jaffrey. The cost of reconstruction and maintenance shall be a charge upon the highway funds. This section shall not be construed as affecting the control of the forestry and recreation department over parking areas or other facilities within said reservations.

The report was accepted.

The reading of the amendment having commenced, on motion of Mr. Ingham of Winchester, the rules were

suspended, and further reading of the amendment was dispensed with.

On a *viva voce* vote the amendment was adopted, and the bill as amended was referred to the Committee on Appropriations.

Mr. Blake of Swanzey, for the Committee on Public Works, to whom was referred House Bill No. 372, An act designating Route No. 4, and the new toll road connecting Route No. 1 in Maine with Route No. 1 in Massachusetts as the Blue Star Memorial Highway, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of the bill by striking out the words "state highway" in the first and ninth lines and inserting in place thereof the words, United States, so that said section as amended shall read as follows:

1. *Highway Designated.* The United States Route No. 4 and the new toll road, connecting United States Route No. 1 in Maine with United States Route No. 1 in Massachusetts, shall be designated as the Blue Star Memorial highway as a memorial in commemoration of the services of the men and women of this state who served in the armed forces of the United States in World War II and the highway commissioner shall file with the secretary of state a description of the particular sections of United States highway Route No. 4, and of the new toll road, so designated as the Blue Star Memorial highway; and shall cause to be erected along said highway suitable markers.

The report was accepted, and the bill ordered to a third reading.

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 175, An act relating to the distribution, sale, or transportation of insecticides, fungicides, rodenticides, and other economic poisons, reported the same with the amendment as printed in the Journal of March 9, page 5, and the recommendation that the bill as amended, ought to pass.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills reported that the committee had examined and found correctly engrossed the following entitled bill:

House Bill No. 163, An act relative to the investments of domestic life insurance companies.

The report was accepted.

### Message From the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 24, An act relative to town appropriations for poison ivy eradiction.

House Bill No. 65, An act relative to unemployment compensation benefit liability conditions.

House Bill No. 191, An act relative to definition of concentrated commercial feeding-stuff.

House Bill No. 205, An act relating to the soil conservation committee.

House Bill No. 247, An act relating to the grading and marking of potatoes.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on House Bill No. 75, An act regulating the height of vehicles.

The message further announced that the Senate had voted to recall from the Governor for further consideration, House Bill No. 253, An act relating to parking of motor vehicles.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 158, An act relative to purchase and sale of poultry.

Amend the bill by adding at the end of section 2, the following: "or furnish the commissioner of agriculture with

a declaration to the effect that all poultry purchased by him will be weighed on scales properly sealed by the Department of Weights and Measures," so that said section as amended shall read as follows:

2. *Certificate of Weight.* Amend chapter 199 of the Revised Laws by adding after section 5 the following new section: 5-a. *Requirement.* Before any license or renewal thereof is issued hereunder the applicant shall file with the commissioner a certificate from the commissioner of weights and measures to the effect that the weights to be used in the business for buying and selling live poultry have been inspected and have been found correct or furnish the commissioner of agriculture with a declaration to the effect that all poultry purchased by him will be weighed on scales properly sealed by the Department of Weights and Measures.

On motion of Mr. Conner of Henniker the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 132, An act to repeal chapter 12 of the Laws of 1830 as amended by chapter 813 of the Laws of 1848 incorporating the trustees of the Pittsfield Academy.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act repealing the charter of the trustees of the Pittsfield Academy.

Amend said bill by striking out the word "section" where it occurs in the first, sixth and fourteenth lines of said bill.

On motion of Mr. Laraba of Portsmouth the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 254, An act relating to deferred posting by banks.

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Banks.* Amend chapter 312 of the Revised Laws by inserting at the end thereof the following new subdivision:

Further amend said bill by striking out the word "act" where it occurs in section 1 and inserting in place thereof the word, subdivision.

On motion of Mr. Doonan of Greenville the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 363, An act relating to brakes on all motor vehicles.

Amend section 1 of said bill by striking out the figure "5" in the second line and inserting in place thereof the figure, 4, and by striking out in the same line the figure "5-a" and inserting in place thereof the figure, 4-a.

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 10, An act relative to the practice of barbering.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act providing for approved barber schools.

On motion of Mr. Pickett of Keene the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 60, An act relative to fish and game refuges.

Amend section 3 of said bill by striking out the first three lines and inserting in place thereof the following:

3. *Special Regulations.* Amend section 14 of chapter 246 of the Revised Laws by adding after the word "refuge" in the first line the words, except as may be permitted under section 12-c, so that said section as amended shall read as follows: 14. *Penalty.* Any person found upon

On motion of Mr. Shedd of New Boston the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 96, An act relating to interest on delinquent taxes.

Amend said bill by striking out all after section 1 and inserting in place thereof the following:

2. *Proceedings.* Amend section 27 of chapter 80 of the Revised Laws as amended by section 2, chapter 55 of the Laws of 1943, by striking out the word "ten" in the sixth line and inserting in place thereof the word, eight, so that said section as amended shall read as follows: 27. *Redemption.* Any person interested in land so sold may redeem the same by paying or tendering to the collector, or in his absence, at his usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, together with costs for notifying mortgagees, if any, and with eight per cent interest upon the whole amount from the time of sale to the time of payment or tender, together with redemption costs incurred. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his bond by the selectmen or assessors, then the person interested in redeeming the property may tender the aforesaid sums to the tax collector then in office of said city or town; and upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the said collector shall accept said amount for the redemption of said property.

3. *Rate of Interest.* Amend section 30 of chapter 80 of the Revised Laws as amended by section 3, chapter 55 of the Laws of 1943 and section 2, chapter 187 of the Laws of 1947, by striking out the word "ten" in the fifteenth line and inserting in place thereof the word, eight, so that said section

as amended shall read as follows: 30. *Record of Payment.* The purchaser of land at any tax sale may pay to the collector any tax assessed upon the land subsequent to that for which it was sold, and the collector shall, within fifteen days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying. In said notice the collector shall also give the date of the tax sale, the name of the person taxed and a description of the property sold, all as given in the report of said sale to the registry of deeds. The collector shall at the same time send a like notice, by registered mail, to the mortgagee or mortgagees, if there be any. The notice to the register of deeds, when recorded, shall constitute an additional lien upon the real estate. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of eight per cent per year from date of such payment shall, in addition to the purchase price at time of sale, with accrued interest and costs, be paid by the person making redemption. For every such notice sent to the register of deeds the collector forwarding the same shall be entitled to a fee of twenty-five cents and the register of deeds shall be paid a like fee for recording the same. For notice to a mortgagee of such payment after sale, the collector shall be entitled to a fee of fifty cents and the costs of sending such notice by registered mail. The fees and costs of notifying the register of deeds and the mortgagee and of recording such notices, if there be any, shall be added to the amount of the undischarged lien and shall be collectible when redemption is made.

4. *Takes Effect.* This act shall take effect upon its passage.

The reading of the amendment having commenced, on motion of Mr. Lea of Pembroke further reading of the amendment was dispensed with.

On motion of Mr. Lea of Pembroke, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.



### Resolution

Mr. Turner of Keene offered the following resolution:

*Resolved*, That the House of Representatives extend its heartiest congratulations to our fellow member from Manchester, John Pillsbury, upon his selection as Secretary of the Republican Conference of the United States Senate, and wish him the best of success in this important work.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and to allow third readings of bills, by their title only.

### Third Readings

House Bill No. 45, An act relating to method of payment for forest fire expenses.

House Bill No. 289, An act relative to exemptions from attachment.

House Bill No. 372, An act designating Route No. 4 and the new toll road connecting Route No. 1 in Maine with Route No. 1 in Massachusetts as the Blue Star Memorial Highway.

House Bill No. 382, An act legalizing the school meeting in the town of South Hampton.

House Joint Resolution No. 25, Joint resolution in favor of the estate of John H. McShea, Sr.

Severally read a third time, and passed, and sent to the Senate for concurrence.

On motion of Mr. Moore of Bradford at 11:45 o'clock the House adjourned.

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FRIDAY, MARCH 11, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, who art more willing to give than we are to receive; in these days of misunderstandings and conflicting

ideologies, give us the faith and the vision to realize the truthfulness of these words:

Right forever on the scaffold  
Wrong forever on the throne:  
Yet that scaffold sways the future,  
And behind the dim unknown,  
Standeth God within the shadow  
Keeping watch above His own. Amen.

### Leaves of Absence

Messrs. Marquis of Nashua and Coakley of Concord were granted leaves of absence for the day on account of important business.

Messrs. Walker of Stratham and Elliott of Milford were granted leaves of absence for the day on account of illness.

Mr. Girouard of Nashua was granted leave of absence for an indefinite period on account of illness.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Elwell of Exeter, House Bill No. 479, An act relative to protection against Bang's disease. To the Committee on Agriculture.

By Mr. Holden of Hanover, House Bill No. 480, An act for the study, treatment and care of inebriates. To the Committee on Judiciary.

By Mrs. Dondero of Portsmouth, House Bill No. 481, An act relative to merit ratings under the unemployment compensation system. To the Committee on Labor.

### Committee Reports

Mr. Elwell of Exeter, for the Committee on Insurance, to whom was referred House Bill No. 370, An act relative to insurance rating organizations, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. *Insurance Rating Organizations.* Amend chapter 186 of the Revised Laws by inserting after section 1 the following new section: 1-a. *Exemption.* The provisions of section 1 shall not apply to rating organizations, advisory organizations, or any group, association or other organization of insurers which engaged in joint underwriting or joint reinsurance which are referred to in and subject to the provisions of chapter 235 of the Laws of 1947.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Sawyer of Concord, for the Committee on Judiciary, to whom was referred Senate Bill No. 22, An act relating to stenographers for probate court, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 445, An act relative to determination of period of unemployment, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Eldridge of Exeter, for the Committee on Military and Veterans' Affairs, to whom was referred House Bill No. 360, An act relating to certain tax exemption of citizens who fought with allies of the United States, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Rhodes of Walpole, for the Committee on Municipal and County Government, to whom was referred House Bill No. 243, An act authorizing the Loudon School District to borrow money and to issue notes or bonds, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Green of Rollinsford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 356, An act to legalize the town meeting of Lisbon, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Smith of Meredith, for the Committee on Municipal and County Government, to whom was referred House Bill No. 371, An act relative to the payment of municipal bonds and notes, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Moore of Bradford, for the Committee on Public Works, to whom was referred Senate Bill No. 11, An act relative to use of town road aid of the Class IV highway, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend said bill by inserting after section 1 the following new section:

2. *Application of Statutes.* Amend section 7, part 2 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by adding at the end of said section the words, except as may be authorized by section 1-a, part 13, of this chapter, so that said section as amended shall read as follows: 7. *Class IV Compact Section Highways.* All Class IV highways shall be wholly constructed, reconstructed, and maintained by the city or town in which they are located, and no state funds shall be expended thereon except as may be authorized by section 1-a, part 13 of this chapter.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Thibodeau of Wolfeboro, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 319, An act relating to neglect of husband or father to support wife and children and neglect of mother, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Thibodeau of Wolfeboro, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 296, An act relating to support of children, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 376, An act relative to collection of dog license fees, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 417, An act relative to taxation of property, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 336, An act relating to payment of poll taxes, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after the word "fishing" in the sixth line the words, or trapping; further amend by striking out the word "year" in the eighth line, and inserting in place thereof the words, three years, so that said section as amended shall read as follows:

1. *Poll Taxes*. Amend section 3, chapter 116, Revised Laws, as amended by section 1, chapter 105, Laws of 1947 by striking out said section and inserting in place thereof the following: 3. *Payment of Poll Tax Required*. No person shall be entitled to register a motor vehicle, or to obtain an operator's license for the same, or to secure a hunting and fishing or trapping license, without showing to the issuing officer

a tax collector's receipt for the payment of any poll taxes for which he is liable for the preceding three years, or, make oath or affirmation under the pains and penalties of perjury that he has paid such taxes or has been lawfully relieved from such payment by reason of exemption or abatement; provided, however, that a permit or license may be issued if the selectmen or assessors certify that, in their opinion, the applicant should be granted such permit or license even though the taxes have not been paid.

Amend section 2 of the bill by striking out the words, "is hereby repealed" and inserting in place thereof the words, and section 3, chapter 117, Revised Laws, are hereby repealed, so that said section as amended shall read as follows:

2. *Repeal.* Section 4, chapter 247, Revised Laws, as amended by section 1, chapter 52, Laws of 1943, and section 3, chapter 117, Revised Laws, are hereby repealed.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Crandall of Dover, for the Special Committee consisting of the delegation from the city of Dover, to whom was referred House Bill No. 329, An act amending the charter of the city of Dover, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by striking out after the word "effect" the words, "upon its passage" and inserting in place thereof the following, January 1, 1950, so that said section as amended shall read as follows:

2. *Takes Effect.* This act shall take effect January 1, 1950.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred Senate Bill No. 20, An act relative to auditing accounts of agricultural fairs, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by striking out in the nineteenth and twentieth lines the words, "and he may make such use thereof and disclose such portion of any such report as he

may deem proper", and insert in place thereof the words, and shall be available to the public, so that said section as amended shall read as follows:

2. *Accounts.* Amend chapter 171 of the Revised Laws by inserting after section 18 the following new sections: 18-a. *Rules and Regulations.* The commissioner of agriculture shall make such reasonable rules and regulations relative to the reports of premiums as he may deem necessary to enable him to determine the pro rata distributions to be made of the sums hereinbefore provided. 18-b. *Audit by Tax Commission.* The tax commission shall annually at the cost and expense of each such fair audit all accounts of fairs receiving money under the provisions of this chapter, with the exception of pari mutuel accounts, and the report of each such audit, when completed, shall be submitted to the president, treasurer and clerk of each fair so audited. The audit of the pari mutuel receipts made under the authority of section 21 of chapter 171 of the Revised Laws as it applies to agricultural fairs, shall be made within thirty days and the state racing commission shall make such audits available to the state tax commission. 18-c. *Report of Audit.* A report of each such audit shall be made to the commissioner of agriculture by the tax commission and shall be available to the public. 18-d. *Keeping Books of Record.* Each such fair shall use the calendar year as its fiscal year and shall keep such books, records and reports of its fiscal officers and follow such reasonable accounting methods as may be, from time to time, prescribed by the tax commission which is hereby authorized to require the production of all such books, records, vouchers and other papers and documents as will enable it to make a full, accurate and complete audit. All such records shall be preserved for three years following the date of said audit. 18-e. *Failure to Keep Accounts.* The failure to keep such books, records and papers and follow such approved methods shall be considered sufficient cause for the commissioner of agriculture to withhold the distribution of funds provided for hereunder to the fair or fairs otherwise entitled thereto until such books, records and papers are made available for audit and such audit made. Any funds remaining in the hands of the commissioners of agriculture which are not distributed because of continued failure to comply with the provisions of section 18-d, shall be distributed after a

period of one year, to the fairs which complied with the provisions of said section for the year in question.

The report was accepted.

The reading of the amendment having commenced, on motion of Mr. Dwinell of Lebanon, further reading of the amendment was dispensed with.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Dort of Chesterfield, for the Committee on Forestry and Recreation, to whom was referred concurrent resolution, memorializing the congress of the United States to approve, if passed, the General Pulaski's Memorial Day resolution now pending in congress, reported the same with the recommendation that the concurrent resolution ought to pass.

The report was accepted.

The question being on the recommendation of the committee.

On a *viva voce* vote the recommendation of the committee was adopted.

The concurrent resolution was sent to the Senate for concurrence.

### Resolutions

Mr. Brown of Laconia offered the following resolution:

*Resolved*, That the justices of the supreme court be respectfully requested to give their opinion upon the following question of law:

Is House Bill No. 164, An act relating to the general exemption from property taxes of certain privately owned airports, constitutional?

*Further Resolved*, That the Speaker transmit a copy of this resolution and a copy of House Bill No. 164, to the Clerk of the Supreme Court for the consideration of the court.

On a *viva voce* vote the resolution was adopted.

Mr. Toleman of Nelson offered the following concurrent resolution:

*Whereas*, the state of New Hampshire owns and possesses 294 square miles of land beneath navigable waters within its



boundaries, subject only to the federal powers over navigation, commerce, and national defense; and

*Whereas*, state ownership of this property has been and will continue to be an important source of revenue for our state, the loss of which would be a great injury to the state and our people, for whom it is held in trust; and

*Whereas*, after over 100 years of recognized state ownership without interference with the delegated federal powers, certain federal officials are now suing other states for similar property and advocating federal seizure of the lands;

*Now, Therefore be it Resolved by the House of Representatives of New Hampshire, the Senate concurring:*

That the state of New Hampshire favors continued state ownership and control, subject only to the delegated federal powers, of lands and resources within and beneath navigable waters within the boundaries of the respective states, and requests Congress to pass suitable legislation to that end.

That the members of our delegation in Congress are hereby requested to give their active opposition to all pending and proposed measures which would create federal ownership or control of lands, fish or other resources beneath navigable water within state boundaries.

That the members of our delegation in Congress are hereby requested to give their active support to legislation which would recognize and confirm state ownership of such property.

That a copy of this resolution be mailed to each member of our delegation in Congress.

The concurrent resolution was referred to the Committee on Forestry and Recreation.

### **Engrossed Bills Report**

The Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 10, An act providing for approved barber schools.

House Bill No. 24, An act relative to town appropriations for poison ivy eradication.

House Bill No. 60, An act relative to state fish and game refuges.

House Bill No. 96, An act relating to interest on delinquent taxes.

House Bill No. 132, An act repealing the charter of the trustees of the Pittsfield Academy.

House Bill No. 191, An act relative to definition of concentrated commercial feeding-stuff.

House Bill No. 205, An act relating to the soil conservation committee.

House Bill No. 247, An act relating to the grading and marking of potatoes.

House Bill No. 254, An act relating to deferred posting by banks.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 31, An act relative to penalty for hunting while intoxicated.

House Bill No. 37, An act relating to debt limitations as a result of certain required installations of sewerage systems or treatment plants.

House Bill No. 51, An act relating to proclamation prohibiting smoking or building fires near woodland.

House Bill No. 52, An act relative to leasing sewage facilities.

House Bill No. 108, An act changing the name of Todd Pond in the towns of Newbury and Bradford.

House Bill No. 165, An act relative to notice to director before water is drawn down in certain cases.

House Bill No. 220, An act relative to registration of saw mills.

House Bill No. 281, An act relative to suspension of fish and game licenses.

House Bill No. 352, An act relative to taking fish from lakes and ponds partly in another state.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 47, An act relating to obtaining transportation by fraud.

House Bill No. 149, An act relating to the lien for sewer assessments and sewer rentals.

House Bill No. 161, An act relative to bonds on public works.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 48, An act relating to the apportionment of expenses for municipalities in fighting forest fires.

Amend section 1 of the bill by striking out the whole of said section and inserting in place thereof, the following:

1. *Expenses of Municipalities.* Amend section 24 of chapter 233 of the Revised Laws by striking out the words, "total assessed" in the tenth line thereof and inserting in place thereof the words, equalized locally assessed, so that said section as amended shall read as follows: 24. *Apportionment.* The expenses of fighting forest and brush fires in towns, and other expenses lawfully incurred by wardens and deputy wardens of said towns in preventing forest fires, shall be borne equally by the municipality and the state, except as otherwise herein provided, and except that when in any one town or city fiscal year the net total of sums required for the suppression and prevention of forest and brush fires, excluding the initial cost of fire-fighting equipment, to be so borne by such municipality, computed at rates within limits established by the forestry and recreation commission and the state forester, shall equal one-half of one per cent of the last equalized locally assessed valuation on such municipality expenses incurred in excess of such sum shall be borne entirely by the state on the basis of the rate limits above specified.

On motion of Mr. Phelps of Andover the House concurred in the adoption of the amendments send down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 173, An act naming the Moosilauke Road.

Amend the title of the bill by striking out the word Trail and substituting therefore the word "Road."

Further amend said bill by striking out in the 9th line of section 1 the word trail and substituting in place thereof the word "road," so that said section as amended shall read as follows:

1. *Highway Named.* The New Hampshire highway described as follows: Beginning at the intersection of the Daniel Webster Highway in the village of Plymouth with the so-called Route 25, thence running by said Route 25 through the Baker river valley and Oliverian valley and notch over the old Indian route to the Dartmouth College Highway (Route 10) in the town of Haverhill in the Connecticut Valley, touching the following towns, Plymouth, Rumney, Wentworth, Warren, Benton and Haverhill, is hereby given the name of The Moosilauke Road. The Governor and council are authorized and directed to do all things necessary to suitably mark and designate the highway herein named.

On motion of Mr. Barney of Rumney the House concurred in the adoption of the amendments send down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 32, An act naming the Horace Greeley Highway.

Senate Bill No. 40, An act authorizing the Penacook and Boscawen Water Precinct to issue notes or bonds for water system.

### Senate Bills Read and Referred

Senate Bill No. 32, An act naming the Horace Greeley Highway.

Read a first and second time, and referred to the Committee on Public Works.

Senate Bill No. 40, An act authorizing the Penacook and Boscawen Water Precinct to issue notes or bonds for water system.

Read a first and second time, and referred to the Committee on Executive Departments and Administration.

The message also announced that the Senate had passed the following joint resolutions, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

Senate Joint Resolution No. 9, Joint resolution relative to the estate of D. Salmon Whitcomb.

Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

Read a first and second time, and referred to the Committee on Executive Departments and Administration.

Senate Joint Resolution No. 9, Joint resolution relative to the estate of D. Salmon Whitcomb.

Read a first and second time, and referred to the Committee on Appropriations.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and to allow third readings of bills, by their title only, and when the House adjourns today to adjourn to meet at 11:00 o'clock on Tuesday.

### Third Readings

House Bill No. 319, An act relating to neglect of husband or father to support wife and children, and neglect of mother.

House Bill No. 329, An act amendment the charter of the city of Dover.

Read a third time and passed, and sent to the Senate for concurrence.

**Reconsideration**

Mr. Gouin of Dover moved that the vote whereby the House passed House Bill No. 329, be reconsidered.

On a *viva voce* vote the motion did not prevail.

House Bill No. 336, An act relating to payment of poll taxes.

House Bill No. 356, An act to legalize the town meeting of Lisbon.

House Bill No. 360, An act relating to certain tax exemption of citizens who fought with allies of the United States.

House Bill No. 370, An act relative to insurance rating organizations.

House Bill No. 371, An act relative to the payment of municipal bonds and notes.

House Bill No. 417, An act relative to taxation of property.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 11, An act relative to use of town road aid of the class IV highway.

Senate Bill No. 20, An act relative to auditing accounts of agriculture fairs.

Read a third time and passed, and sent to the Senate for concurrence in the amendment.

Senate Bill No. 22, An act relating to stenographers for Probate Court.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Rancour of Canterbury at 12:00 o'clock the House adjourned.

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TUESDAY, MARCH 15, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O Lord of heaven and earth, who leddest our fathers forth, and Who didst imbue them with strong faith in Thee

and courage to stand for the right as it had been given them to see the right; give us, their sons and daughters, such a keen sense of duty that we may never lay our convictions on the altar of compromise with the trembling hand of fear. Help us to ever remember that our state and our nation can be no stronger than the strength of its moral manhood and womanhood. Through Jesus Christ our Lord. Amen.

### **Leaves of Absence**

Messrs. Elliott of Milford, Geisel of Manchester and Dodge of Dover were granted leave of absence for the day on account of important business.

Messrs. Lorden of Franklin and Hall of Marlboro were granted leave of absence for the day on account of illness.

Mr. Darling of Keene was granted leave of absence for Tuesday and Wednesday on account of important business.

### **Introduction of Bills**

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By Mr. Kazakis of Manchester, House Bill No. 482, An act relative to referendum on the question of entertainment on certain premises licensed by the liquor commission. To the Committee on Liquor Laws.

By Mr. Barney of Rumney, House Bill No. 483, An act relative to certain improvements in lakes, ponds, rivers and streams and other forms of public works. To the Committee on Public Works.

### **Committee Reports**

Mr. Foote of Portsmouth, for the Committee on Liquor Laws, to whom was referred House Bill No. 331, An act relative to liquor licenses for Class A restaurants, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Liquor Laws, to whom was referred House Bill No. 331, An act relative to liquor licenses for Class A restaurants, and being

unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

MERRICK S. CROSBY,  
JOHN J. LEARY,  
ARKADE DUSIK,  
FRED P. AMADON,  
GEORGE H. CORBETT,  
ALEXANDER KAZAKIS,  
ANGELINE M. GILBERT ST. PIERRE,  
DENNIS F. CASEY,

*A Minority for the Committee.*

The reports were accepted.

Mr. Foote of Portsmouth moved that the bill be recommit-  
mitted to the Committee on Liquor Laws.

The question being on the motion to recommit.

(Discussion ensued)

Mr. Foote of Portsmouth spoke in favor of the motion.

On a *viva voce* vote the motion prevailed and the bill was recommit-  
mitted to the Committee on Liquor Laws.

Mr. Labranche of Franklin, for the Special Committee consisting of the delegation from the city of Franklin, to whom was referred House Bill No. 400, An act to revise the charter of the city of Franklin, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee.

Mr. Chase of Franklin moved that the bill be recommit-  
ted to the delegation.

Mr. Labranche of Franklin moved that the bill be in-  
definitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Pickett of Keene, Douphinett and Labranche of Franklin spoke in favor of the motion.

Messrs. Turner of Keene and Pillsbury of Manchester spoke against the motion.



Mr. Labranche of Franklin asked for a division.

A division being had, 146 members having voted in the affirmative and 202 members having voted in the negative, the motion to indefinitely postpone did not prevail.

The question being on the motion to recommit the bill to the delegation from the city of Franklin.

On a *viva voce* vote the motion to recommit prevailed, and the bill was recommitted to the delegation from the city of Franklin.

Mr. Hill of Conway, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 295, An act relative to licensing plumbers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Rathburn of Exeter, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 342, An act relating to fees for testing weights and measures, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Downes of Conway, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 18, An act relative to hours of service of permanent police officers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Johnson of Northwood, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 388, An act authorizing the sale of certain property of the state in the town of Dorchester, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Johnson of Northwood, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 15, An act relating to the tenure and bond of the state treasurer, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Johnson of Northwood, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 235, An act relating to the fees of bail commissioners, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wadleigh of Milford, for the Committee on Judiciary, to whom was referred House Bill No. 317, An act relative to larceny, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

### Communication

The following letter was read by the Speaker :

#### RESOLUTIONS RELATIVE TO THE DEVELOPMENT OF THE WATERWAYS TO THE COMMONWEALTH

The Commonwealth of Massachusetts

Office of the Secretary, Boston 33

EDWARD J. CRONIN

*Secretary of the Commonwealth*

*Whereas*, The General Court of Massachusetts favors and urges the development of the waterways of the commonwealth, wherever feasible, for the production of hydroelectricity to free the commonwealth from dependence on coal and other fuels which are scarce or non-existent in the commonwealth, to stimulate industrial enterprises in the commonwealth, and to encourage the establishment of new enterprises in the commonwealth; therefore be it

*Resolved*, That The General Court of Massachusetts urges the Congress of the United States to enact such legislation and to take such other action as may be necessary to effect said

development of waterways for the production of hydro-electricity to be distributed through private enterprise and municipal power and light plants; and be it further

*Resolved*, That the General Court of Massachusetts invites and urges the co-operation of the five other New England states and the state of New York in the development of waterways coming to the New England states and the state of New York; and be it further .

*Resolved*, That copies of these resolutions be sent forthwith by the state secretary to the presiding officer of each branch of Congress and to the members thereof from this commonwealth, to the governor of each of the five other New England states and the state of New York, and to the presiding officer of each branch of the legislature of each of said states.

In House of Representatives, adopted, March 2, 1949  
LAWRENCE R. GROVE, *Clerk*

In the Senate, adopted, in concurrence, March 10, 1949  
IRVING N. HAYDEN, *Clerk*

A true copy—Attest:

EDWARD J. CRONIN

*Secretary of the Commonwealth*

The letter was ordered printed in the Journal, and referred to the Committee on Judiciary.

### Concurrent Resolution

Mr. Laraba of Portsmouth offered the following resolution:

*Whereas* it has been established by precedent and custom that the General Court invite as its guest at the session following his inaugural, a new President of the University of New Hampshire, and

*Whereas* on October 9, 1948, Dr. Arthur Stanton Adams was inaugurated as the eleventh President of the University of New Hampshire, therefore be it

*Resolved by the House of Representatives, the Senate concurring*, That the General Court invite Dr. Arthur Stanton Adams, President of the University of New Hampshire, to

address the Joint Convention on Tuesday, March 29th, at 11:00 A. M.

On a *viva voce* vote the concurrent resolution was adopted.

### Taken from Table

Mr. Flanagan of Dover moved that the following resolution be taken from the table:

*Resolved*, That the House inform the Honorable Senate that it is ready to meet in joint convention with the Honorable Senate for the sole purpose of electing a State Treasurer, said convention to convene immediately upon the adoption of this resolution.

The question being on the motion.

(Discussion ensued)

Mr. Flanagan of Dover spoke in favor of the motion.

On a *viva voce* vote the motion did not prevail.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 117, An act increasing the salaries of the commissioners of Coos county.

House Bill No. 169, An act relating to voluntary commitment of patients to the state hospital.

House Bill No. 181, An act relative to the Gafney Home for the Aged.

House Bill No. 334, An act relative to the salary of the mayor of Somersworth.

House Bill No. 405, An act relative to destruction of papers of the health department.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 8, An act in amendment of the laws relative to the Union School District in Concord.

Senate Bill No. 36, An act relative to the Peterborough Home for the aged.

Senate Bill No. 43, An act authorizing the town of Bethlehem to purchase certain property and issue serial notes in payment thereof, and legalizing the town meeting held on March 14, 1944.

### **Senate Bills Read and Referred**

Senate Bill No. 8, An act in amendment of the laws relative to the Union School District in Concord.

Read a first and second time, and referred to the delegation from the city of Concord.

Senate Bill No. 36, An act relative to the Peterborough Home for the Aged.

Read a first and second time, and referred to the Committee on Public Welfare and State Institutions.

Senate Bill No. 43, An act authorizing the town of Bethlehem to purchase certain property and issue serial notes in payment thereof, and legalizing the town meeting held on March 14, 1944.

Read a first and second time, and referred to the Committee on Municipal and County Government.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and to allow third readings of bills, by their title only.

### **Third Readings**

House Bill No. 235, An act relating to the fees of bail commissioners.

House Bill No. 317, An act relative to larceny.

House Bill No. 388, An act authorizing the sale of certain property of the state in the town of Dorchester.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 15, An act relating to the tenure and bond of the state treasurer.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Moore of Bradford at 12:05 o'clock the House adjourned.

WEDNESDAY, MARCH 16, 1949

The House met according to adjournment.

Prayer was offered by the Rev. E. F. Weston, Pastor of the First Baptist Church, Derry, N. H.

Let us pray:

Infinite God, our heavenly Father! Thou who dost guide the destinies of men and nations, and whose purposes are above defeat, we bow before Thee in humility in an endeavor to discover Thy will.

We rejoice that in the days of darkness and confusion we can look up to the stars which Thou hast set in their courses, and are reminded of the fixed moral and spiritual principles of the universe. We thank Thee for the gleams of a new day, the trails blazed by noble torchbearers, and are encouraged by their heroism and strength of their faith.

Guide all statesmen, O God, to seek a just basis for national and international action in the interest of peace and harmony. Arouse, O God, in the whole body of people an adventurous willingness for international good will to dare bravely, think wisely, decide resolutely, and achieve triumphantly.

In facing the problems, challenges, and opportunities of the day, O God, help us rely upon our inner resources, and may we be sustained by Thy unfailing presence, in the name of Jesus Christ, Our Lord. Amen.

### Leave of Absence

Mr. Marden of Chichester was granted leave of absence for Wednesday and Thursday, on account of important business.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 484, An act to increase the membership of the Reorganization Commission.

Read a first and second time, and referred to the Committee on Appropriations.

Mr. Sanborn of Wakefield moved that the rules be suspended, printing of the bill and its reference to a committee be dispensed with, and the bill be put upon its third reading and final passage at the present time.

The question being on the motion.

(Discussion ensued)

Messrs Sanborn of Wakefield and Pickett of Keene spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed, and sent to the Senate for concurrence.

By Mr. Banfield of Moultonborough, House Bill No. 485, An act opening Shannon Brook in Moultonborough to smelt fishing. To the Committee on Fisheries and Game.

By Mr. Fuller of Hanover, House Bill No. 486, An act relating to co-operative school districts. To the Committee on Education.

### Committee Reports

Mr. Aldrich of Keene, for the Committee on Executive Departments and Administration, to whom was referred House Joint Resolution No. 27, Joint resolution directing the state planning and development commission to continue the study of the problems of the smaller communities, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution referred to the Committee on Appropriations under the rules.

Mr. Jones of Lebanon, for the Committee on Judiciary, to whom was referred Senate Bill No. 21, An act relating to legacy receipts, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of said bill by striking out the words "law parents" in line fifteen and inserting in place thereof the words, *loco parentis*, so that said section as amended shall read as follows:

1. *Receipt.* Amend section 20, chapter 361 of the Revised Laws by striking out the said section and inserting in lieu thereof the following:

20. *Minors not Under Guardianship.* Whenever any minor not being under legal guardianship shall be entitled to receive from any administrator or executor any distributive share as heir or next of kin, or any legacy, the full amount of which share or legacy is not more than seven hundred dollars, said administrator, or executor, upon petition to and approval of the probate court shall pay said sum to the parents of said minor, if both are living, or to the surviving parent, if one parent is deceased, or to the parent or other person, having custody of said minor, if the parents are divorced, or to a person standing *in loco parentis* to said minor, if both parents are deceased, and the receipt of said parents or parent or other person shall be filed and accepted by the probate court in discharge of the administrator's or executor's liability therefor in the same manner and effect as though said parents or parent or other person had been legally appointed guardian by the probate court. Publication of notice upon the petition to the probate court shall not be required unless ordered by the court.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mrs. Mason of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 248, An act to dissolve certain railroad corporations, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 407, An act relative to factors liens, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Factors Liens.* Amend section 1 of chapter 262-A of the Revised Laws as inserted by chapter 161, Laws of 1943, by striking out the words "There shall be placed and maintained on the door or in a conspicuous place at the main entrance of the store, loft or other premises in or at which such merchandise, or any part thereof, shall be located, kept or stored, a sign on which appears in legible English the name



of the factor and a designation of said factor as factor; and provided further" in the twentieth to twenty-sixth lines; and further amend said section by inserting before the word "known" in the thirty-sixth line the word, is; and further amend said section by inserting after the word "time" in line thirty-nine the words, whether definite or indefinite, so that said section shall read as follows:

1. *Factors Liens.* If so provided by any written agreement, all factors shall have a continuing general lien upon all merchandise from time to time consigned to or pledged with them, whether in their constructive, actual or exclusive occupancy or possession or not, and upon any accounts receivable or other proceeds resulting from the sale or other disposition of such merchandise, for all their loans and advances to or for the account of the person creating the lien (hereinafter called the borrower), together with interest thereon, and also for any commission, charges, and expenses properly chargeable against or due from said borrower and for the amount due upon any notes or other obligations given to or received by them for or on account of any such loans or advances, interest, commission, charges and expenses, and such lien shall be valid from time of filing the notice hereinafter referred to, and whether such merchandise shall be in existence at the time of the agreement creating the lien or at the time of filing such notice or shall come into existence subsequently thereto or shall subsequently thereto be acquired by the borrower; provided, that a notice of the lien is recorded, as hereinafter provided, stating:

a. The name of the factor, the name under which the factor does business, if an assumed name; the principal place of business of the factor within the state, or if he has no place of business within the state, his principal place of business outside of this state; and if the factor is a partnership or association, the name of the partners, and if a corporation, the state under whose laws it was organized.

b. The name of the borrower, and the interest of such person in the merchandise, as far as is known to the factor.

c. The general character of merchandise subject to the lien, or which may become subject thereto; and the period of time, whether definite or indefinite, during which such loans or advances may be made under the terms of the agreement

providing for such loans or advances and for such lien. Amendments of the notice may be recorded from time to time specifying any changes in the information contained in the original or prior notices.

Amend section 2 of said bill by striking out the word "his" in line 6 and inserting in place thereof the word, their, so that said section as amended shall read as follows:

2. *Borrower.* Amend section 2 of said chapter 262-A by striking out all of said section and inserting in place thereof the following: 2. *Record.* Such notice shall be signed and verified under oath by the factor or his agent and by the borrower or his agent to the effect that the statements therein contained are true to the best of their knowledge. It shall be recorded in the office of the town clerk where the borrower resides, if the borrower is a resident of this state, otherwise in the office of the town clerk where such merchandise is located. The clerk of said town shall, when such notice is filed or left for record, endorse thereon a certificate of the date and time of day of its reception and shall record in a book kept for records of mortgages of personal property any such notice, transfer or discharge thereof. The names of the factor and borrower shall be indexed in the same manner as, and along with, the index of mortgagors and mortgagees of personal property.

Amend section 3 of said bill by adding at the end thereof the words, or in such manner as is provided for in the written agreement between the factor and the borrower, so that said section as amended shall read as follows:

3. *Liens.* Amend said chapter 262-A by inserting after section 4 the following new section: 4-a. *Assignment, Foreclosure.* A lien on merchandise created in accordance with the provisions of this chapter may be assigned, redeemed or foreclosed in the same manner as mortgages of personal property or in such manner as is provided for in the written agreement between the factor and the borrower.

The report was accepted.

The question being on the amendment.

Mr. Turner of Keene moved that the rules be suspended, and to dispense with the reading of the amendment.

The question being on the motion.

(Discussion ensued)

Mr. Turner of Keene spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

The question being on adoption of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Dwinell of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 39, An act relating to poll taxes, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Foote of Portsmouth, for the Committee on Liquor Laws, to whom was referred House Bill No. 280, An act relating to the sale of beverages in grocery stores, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

### Recommitted

House Bills Nos. 125 and 273 were recommitted to the delegation from Claremont.

Senate Bill No. 24 was recommitted to the Committee on Judiciary.

### Engrossed Bills

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, reported that they had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 22, An act relating to stenographers for probate court.

House Bill No. 31, An act relative to penalty for hunting while intoxicated.

House Bill No. 47, An act relating to obtaining transportation by fraud.

House Bill No. 51, An act relating to proclamation prohibiting smoking or building fires near woodland.

House Bill No. 108, An act changing the name of Todd Pond in the towns of Newbury and Bradford.

House Bill No. 117, An act increasing the salaries of the commissioners of Coos County.

House Bill No. 352, An act relative to taking fish from lakes and ponds partly in another state.

House Bill No. 37, An act relating to debt limitations as a result of certain required installations of sewerage systems or treatment plants.

House Bill No. 52, An act relative to leasing sewage facilities.

House Bill No. 149, An act relating to lien for sewer assessments and sewer rentals.

House Bill No. 281, An act relative to suspension of fish and game licensee.

House Bill No. 405, An act relative to destruction of papers of the health department.

House Bill No. 173, An act naming the Moosilauke Road.

House Bill No. 363, An act relating to brakes on all motor vehicles.

House Bill No. 181, An act relative to the Gafney Home for the Aged.

House Bill No. 220, An act relative to the registration of saw mills.

House Bill No. 161, An act relative to bonds on public works.

House Bill No. 334, An act relative to the salary of the Mayor of Somersworth.

Senate Bill No. 11, An act relative to use of town road aid of the Class VI highway.

Senate Bill No. 20, An act relative to auditing accounts of agricultural fairs.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 48, An act relating to the apportionment of expenses for municipalities in fight-

ing forest fires, reported the same under Joint Rule 6 with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Expenses of Municipalities.* Amend section 24 of chapter 233 of the Revised Laws by striking out the words "total assessed valuation on such municipality for the preceding tax year" in the tenth line and inserting in place thereof the words, latest equalized locally assessed valuation on such municipality, so that said section as amended shall read as follows:

On motion of Mr. Phelps of Andover, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### Message From The Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bills and joint resolutions:

Senate Bill No. 11, An act relative to use of town road aid of the class IV highway.

Senate Bill No. 20, An act relative to auditing accounts of agriculture fairs.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 36, A act relating to registration of foreign corporations.

Amend Revised Laws, Chapter 280, as amended by this act, by striking out the first paragraph of section 1 of chapter 280, as amended, and substitute in place thereof the following:

1. *Fee; Appointment of Agent.* Every foreign corporation (except foreign insurance companies, to whom this chapter shall not apply, and except corporations otherwise

specifically required to register with and consent to service of process upon a state official) desiring to do business in this state, shall pay a registration fee of twenty-five dollars and shall pay an annual maintenance fee of twenty-five dollars payable to the secretary of state on the first business day of January following the date of registration and on the first business day of each January thereafter, and continuously maintain in this state

Further amend by adding thereto new sub-sections (c) and (d) as follows:

(c) Any designation of the secretary of state as agent under sub-section (b) shall be effective only if accompanied by the payment to said secretary of an agency fee of twenty-five dollars, and shall remain effective only if a similar fee is paid to said secretary on the first business day of January of each succeeding year.

(d) The Secretary of State shall in December each year, notify all corporations registered hereunder of the fees to become due hereunder on the first business day of the January following; and shall in April notify all corporations who may have failed to pay the fees required hereunder; so that said section as amended shall read as follows:

1. *Fee; Appointment of Agent.* Every foreign corporation (except foreign insurance companies, to whom this chapter shall not apply, and except corporations otherwise specifically required to register with and consent to service of process upon a state official) desiring to do business in this state, shall pay a registration fee of twenty-five dollars and shall pay an annual maintenance fee of twenty-five dollars payable to the secretary of state on the first business day of January following the date of registration and on the first business day of each January thereafter, and continuously maintain in this state

(a) A registered office which may or may not be the same as its place of business in this state; and

(b) a registered agent, which agent may be the secretary of state and his successor or successors in office or an individual resident in or a corporation authorized to do business and act as such agent in this state, whose office is identical with such registered office.

(c) Any designation of the secretary of state as agent under sub-section (b) shall be effective only if accompanied by the payment to said secretary of an agency fee of twenty-five dollars, and shall remain effective only if a similar fee is paid to said secretary on the first business day of January of each succeeding year.

(d) The secretary of state shall in December each year, notify all corporations registered hereunder of the fees to become due hereunder on the first business day of the January following; and shall in April notify all corporations who may have failed to pay the fees required hereunder;

Further amend sub-section (c) of section 2 by inserting in line 5 thereof, after the word "effect" the following: On compliance with the provisions of this section, the secretary of state shall forthwith issue a certificate of authority to do business in this state; so that said sub-section as amended shall read as follows:

(c) a true copy of the vote authorizing the application and registration of an office and agent in this state, certified under the seal of the corporation by its clerk or secretary or assistant clerk or assistant secretary, which certificate shall show that said vote has not been revoked and is in full force and effect. On compliance with the provisions of this section, the secretary of state shall forthwith issue a certificate of authority to do business in this state. Copies of applications and all certified copies of votes so filed, certified by the secretary of state, shall be sufficient evidence thereof.

Further amend sub-section (d) of section 6 by striking out the words "in this" in line 3 thereof and substituting therefor the words, within or without the; so that said sub-section as amended shall read as follows:

(d) that it revokes the authority to make service of process on its then registered agent and consents that service of process in any suit, action or proceeding based upon any cause or action arising within or without the state prior to the effective date of the withdrawal may thereafter be made on such corporation by service thereof on the secretary of state; and shall be accompanied by

On motion of Mrs. Greene of Concord, the amendment sent down from the Honorable Senate was laid upon the table to be printed.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 47, An act relative to the salaries of the commissioners of Hillsborough county.

### **Senate Bill Read and Referred**

Senate Bill No. 47, An act relative to the salaries of the commissioners of Hillsborough county.

Read a first and second time, and referred to the Special Committee consisting of the delegation from Hillsborough County.

### **Committee Changes**

Mr. Williams of Washington from Committee on Banks to Committee on Transportation.

Mr. Perkins of Charlestown to the Committee on Banks.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and to allow third readings of bills, by their title only.

### **Third Readings**

House Bill No. 248, An act to dissolve certain railroad corporations.

House Bill No. 407, An act relative to factors liens.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 21, An act relating to legacy receipts.

Read a third time and passed, and sent to the Senate for concurrence in the amendment.

On motion of Mr. Parker of Farmington at 11:40 o'clock the House adjourned.



THURSDAY, MARCH 17, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, who in Thy Word hast said: "Who knoweth whether thou art come to the kingdom for such a time as this?" In this day of dire need of consecrated manhood and womanhood, and of unlimited opportunity of service to thee as legislators in this commonwealth, may we not minimize the stupendous problems to which we seem to have been born, and may we not neglect the God-given opportunity to do our part to bring Thy kingdom more intimately into the affairs of men, and thus, at least in part, help answer the prayer we so often make: "Thy kingdom come, Thy will be done on earth as it is in heaven." Amen.

### Leaves of Absence

Mr. Lorden of Franklin was granted leave of absence for Wednesday and Thursday on account of illness.

Mrs. Gardner of Springfield was granted leave of absence for the week on account of illness.

### Committee Reports

Mr. Oakes of Landaff, for the Committee on Appropriations, to whom was referred House Bill No. 199, An act providing for additional appropriations for certain departments for the fiscal year ending June 30, 1949, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Deficiency Appropriation.* The sum of three hundred eighteen thousand seven hundred eighty-six dollars and seventy-one cents is hereby appropriated to meet deficits as follows: For forestry and recreation, forest fire bills to towns, twenty-seven thousand five hundred dollars; for state treasury, for bounties, ten thousand dollars, for highway division of the treasury for current expenses, two thousand dollars; for longevity for state employees two thousand dollars, for employees' retirement system, normal contribution, forty thousand nine hundred and fifty dollars; for adjutant general

eighteen thousand seven hundred dollars; for superintendent of buildings and grounds, seven thousand one hundred thirty-six dollars and seventy-one cents; for cancer commission, thirty-five thousand dollars; for state police, twenty thousand dollars; for comptroller, one thousand dollars; for executive department, emergency fund, one hundred forty-two thousand dollars; for constitutional convention, seven thousand five hundred dollars; for New Hampshire war records committee, five thousand dollars. Total deficiency appropriation, three hundred eighteen thousand seven hundred eighty-six dollars and seventy-one cents. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

2. *Appropriation for Department of Agriculture.* The sum of three hundred eighty-one thousand dollars is hereby appropriated for the fiscal year ending July 1, 1949 and the additional sum of seventy thousand dollars for the said fiscal year. Said three hundred eighty-one thousand dollars is provided for the deficiency and said seventy thousand dollars is provided for supplemental needs of the department of agriculture for indemnities in the eradication of Brucellosis (Bang's disease) and for bovine tuberculosis. The governor with the advice and consent of the council shall draw his warrant for the payment of this deficiency and for the supplemental needs of the department from the funds provided in section 3.

3. *Bonds and Notes Authorized.* To provide funds for the payment of the appropriation made under section 2, the state treasurer is hereby authorized, with the consent of the governor and council, to borrow such sums as are needed from time to time, not to exceed four hundred fifty one thousand dollars, upon the credit of the state, and for that purpose may issue bonds or notes, in the name and on behalf of the state of New Hampshire, at a rate of interest to be payable semi-annually. Such bonds or notes shall be in such form and such denominations as the governor and council may determine, may be registerable as to both principal and interest, and shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

4. *Records and Accounts.* The secretary of state and the state treasurer shall keep accounts of the bonds and notes

issued under the provisions of section 3 as they are required to keep for the bonds and notes authorized by chapter 159 of the Laws of 1939 and chapter 137 of the Laws of 1945. The treasurer shall negotiate and sell such bonds or notes in the same manner as provided in said chapter 159, and chapter 137.

5. *Short-Time Notes.* Prior to the issuance of serial bonds or notes hereunder the treasurer, with the consent of the governor and council, may for the purposes hereof borrow from time to time on short-time loans which may be refunded by the issuance of bonds or notes hereunder provided, however, that at no time shall the indebtedness of the state on such short-time loans and said bonds or notes exceed the sum of four hundred and fifty one thousand dollars.

6. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted, as printed in the Journal of March 16, and the bill ordered to a third reading.

Mr. Hart of Wolfeboro, for the Committee on Appropriations, to whom was referred House Bill No. 358, An act providing for a temporary pay increase for state employees, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Cost of Living Bonus Temporarily Granted.* In consideration of the rise in the cost of living, all state employees and officials in state service as of the date of the passage of this act, other than the members of boards, commissions or committees paid on a per diem basis, regularly employed in the state service, are hereby granted a temporary bonus to take effect as of July 1, 1948, and to continue until June 30, 1949.

2. *Computation of Amount.* The temporary bonus provided for in section 1 shall be three hundred dollars (\$300). Said amount shall not be subject to retirement deductions. Provided, further, that in the case of persons who have entered the state service subsequent to July 1, 1948, the bonus shall be a pro rata part of the temporary bonus based upon length of service.

3. *Payment to Estates.* The estates of those employees, as defined above, who were employed on July 1, 1948, and who have since died, shall be paid a pro rata portion of \$300 from July 1, 1948 to the date of death of the employee.

4. *Appropriation.* For the purpose of providing funds necessary for the additional temporary bonus, there is hereby appropriated the sum of \$1,008,300. Of said sum, the sum of \$683,700 shall be a charge upon the general funds of the state and the balance shall be a charge upon special funds as follows:

Fish and Game	\$33,600
Hairdressers' Board Special Fund	300
Highway Funds	247,500
Motor Vehicle Funds	22,500
Mt. Sunapee Tramway Special Fund	5,400
Cannon Mt. Tramway Funds	10,200
Prison Industries Funds	5,100
	<hr/>
	\$324,600

The governor is authorized to draw his warrant upon said funds for the payments necessary to provide the bonus hereby authorized.

5. *Method of Payment.* Each employee shall receive a pro rata portion of his \$300 in one lump sum calculated from July 1, 1948, to the date of passage of this act, and from that date until June 30, 1949, shall receive a separate check each month for twenty-five dollars (\$25) with any pro rata amount from the date of the passage of the act to the first of the following month added to the first check.

6. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill, with the amendment pending, was laid upon the table to be printed, under Rule No. 46.

Mr. Tilton of Laconia, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 9, Joint resolution relative to the estate of D. Salmon Whitcomb, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Black of Laconia, for the Committee on Aviation, to whom was referred House Bill No. 452, An act relative to airport managers and their powers and duties, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Moffett of Berlin, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 26, An act relative to the Congregational Society in Stratham, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 53, An act relating to non-resident pupils in schools, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *School Boards.* Amend section 24 of chapter 138 of the Revised Laws by striking out the words "fifty-five dollars a year" in the fifth line and inserting in place thereof the words, in any one year a sum based upon the costs as set forth in section 26, so that said section as amended shall read as follows: 24. *Hearing.* The school board shall thereupon order a hearing within ten days thereafter, and, if it shall appear to the board that the claim is well-founded, the board shall make the order prayed for, and the district in which the pupil resides shall be liable to the school to which the pupil is assigned for the pupil's tuition not to exceed in any one year a sum based upon the costs as set forth in section 26.

2. *High Schools.* Amend section 26 of chapter 138 of the Revised Laws by striking out said section and inserting in place thereof the following: 26. *Tuition.* Any district not maintaining a high school or school of corresponding grade shall pay for the tuition of any pupil who with parents or guardian resides in said district or who, as a resident of said district, after full investigation by the state board of education is determined to be entitled to have his tuition paid by

the district where he resides, and who attends an approved public high school or public school of corresponding grade in another district or an approved public academy. Except under contract as provided in section 21 the liability of any school district hereunder for the tuition of any pupil shall be limited to the state average cost per pupil of the current expenses of operation for the preceding school year of the receiving district for its high schools. This current expense of operation shall include all costs except capital outlay and debt obligations, provided that to the above may be added a rental charge of two per cent of the capital cost of such secondary school facilities as may be defined by the state board of education.

3. *School Attendance.* Amend section 3 of chapter 137 of the Revised Laws by striking out said section and inserting in place thereof the following: 3. *Change; Excuse.* Any person having the custody of a child may apply to the state board of education for relief if he thinks it is not for the best interest of the child to attend the school to which he is assigned, and the board, after notice to the school board, may order such child to attend another school in the same district if such a school is available, or to attend school in another district. In case the child shall be assigned to attend school in another district the district in which such child resides shall pay to the district in which such child attends tuition computed as provided in section 3-a. The state board of education may also permit such child to withdraw from school attendance for such time as it may deem necessary or proper or make such other orders with respect to the attendance of such child at school as in its judgment the circumstances require.

4. *Liability for Tuition.* Amend chapter 137 of the Revised Laws by inserting after section 3 as hereinbefore amended the following new section: 3-a. *Elementary Schools.* Any district shall be liable for the tuition of any child who as a resident of the district has been assigned to attend a public school in another district, provided, however, that the tuition for any child shall not exceed the state average cost per pupil of the current expenses of operation for the preceding school year for its elementary schools. This current expense of operation shall include all costs except those made for

capital outlay and debt obligations as determined annually by the state board of education.

5. *Takes Effect.* This act shall take effect as of July 1, 1949.

The report was accepted.

The bill, with the amendment pending, was laid upon the table to be printed, under Rule No. 46.

Mr. Wadleigh of Milford, for the Committee on Judiciary, to whom was referred House Bill No. 210, An act to provide for a presidential preference primary, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Lucy of Conway, for the Committee on Municipal and County Government, to whom was referred House Bill No. 344, An act relative to tax collectors, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Smith of Meredith, for the Committee on Municipal and County Government, to whom was referred House Bill No. 345, An act relating to collection of taxes, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Walker of Hinsdale, for the Committee on Municipal and County Government, to whom was referred House Bill No. 419, An act relative to town appropriations for hospitals, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Weeks of Greenland, for the Committee on Public Works, to whom was referred House Bill No. 257, An act relative to harbor-masters for Hampton Harbor and Rye Harbor, having considered the same, reported the same with the follow-

ing amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of the bill by striking out the word "and", and by inserting at the end thereof the words, and Little Harbor, so that said title as amended shall read as follows:

An Act relative to harbor-masters for Hampton Harbor, Rye Harbor and Little Harbor.

Amend section 1 of said bill by adding after the word "Laws" the words, by striking out the word "may" in the second line and inserting in place thereof the word, shall; and further amend said section by striking out the word "may" in the eighth line and inserting in place thereof the word, shall, so that said section as amended shall read as follows:

1. *Hampton Harbor, Inlet, and River.* Amend section 11 of chapter 182 of the Revised Laws by striking out the word "may" in the second line and inserting in place thereof the word, shall, and by striking out the words "towns abutting on the harbor may determine and pay" in the tenth and eleventh lines and inserting in place thereof the words, commission shall determine, so that said section as amended shall read as follows: 1. *Harbor-Master.* The New Hampshire shore and beach preservation and development commission shall annually choose a harbor-master whose duty it shall be to oversee Hampton Harbor, the inlet thereto and Hampton river, to preserve and regulate navigation within said waters, to assign moorings, require the same to be kept in safe condition, to require the removal of vessels if necessity or an emergency arises, and to inquire into and prosecute all offenses under section 13 hereof. For the purposes hereof said harbor-master with the approval of the said commission may make such reasonable rules and regulations as he shall deem proper. Said harbor-master shall receive for his services such salary as the commission shall determine.

Amend section 3 of said bill by striking out said section and inserting in place thereof the following:

3. *Rye Harbor, Harbor Inlet and Little Harbor.* Amend section 13-a of chapter 182 of the Revised Laws as inserted by chapter 194 of the Laws of 1947 by inserting after the word "hereof" in the eleventh line the words, said harbor-master with the approval of, and by striking out the word "it" in the twelfth line and inserting in place thereof the word, he,



and by striking out the words "town of Rye or New Castle respectively may determine, to be paid by said town" in the thirteenth, fourteenth and fifteenth lines and inserting in place thereof the words, commission shall determine, so that said section as amended shall read as follows: 13-a. *Harbor-Master*. The New Hampshire shore and beach preservation and development commission shall annually choose a harbor-master for Rye Harbor in the town of Rye and a harbor-master for Little Harbor and the inlets thereto in the town of New Castle. It shall be the duty of said harbor-masters to preserve and regulate navigation within the respective waters, to assign moorings, require the same to be kept in safe condition, to require the removal of vessels if necessity or an emergency arises, and to inquire into and prosecute all offenses under section 13c hereof. For the purpose hereof said harbor-master with the approval of the said commission may make such reasonable rules and regulations as he shall deem proper. Each harbor-master shall receive for his services such salary as the commission shall determine.

The report was adopted.

Mr. Ingham of Winchester moved that the rules be suspended, and reading of the amendment be dispensed with.

The question being on the motion.

(Discussion ensued)

Mr. Ingham of Winchester spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The question being on the adoption of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill referred to the Committee on Appropriations.

Mr. Horne of Milton, for the Committee on Public Works, to whom was referred House Bill No. 430, An act relative to the reclassification of a road in the town of Milton, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Baron of Claremont, for the Committee on Public Works, to whom was referred House Joint Resolution No. 20, Joint resolution for the improvement of the Dalton Mountain

and Forest Lake Road in the town of Dalton, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Farwell of Brookline, for the Committee on Public Welfare and State Institutions, to whom was referred Senate Bill No. 23, An act relative to recoveries in old age assistance, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Peever of Salem, for the Committee on Ways and Means, to whom was referred House Bill No. 168, An act relative to age limit for payment of poll taxes, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the committee on Ways and Means, to whom was referred House Bill No. 168, An act relative to age limit for payment of poll taxes, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

DANIEL J. HEALY,

*A Minority of the Committee.*

The reports were accepted.

Mr. Healy of Manchester moved to substitute the report of the minority "ought to pass" for the report of the majority "inexpedient to legislate."

The question being on the motion to to substitute.

(Discussion ensued)

Mr. Healy of Manchester spoke in favor of the motion to substitute.

Mr. Dwinell of Lebanon spoke against the motion to substitute.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the recommendation of the committee, inexpedient to legislate.

On a *viva voce* vote the recommendation of the committee was adopted.

### Reconsideration

Mr. Dwinell of Lebanon moved that the House reconsider its vote whereby it adopted the recommendation of the committee, inexpedient to legislate.

On a *viva voce* vote the motion to reconsider did not prevail.

### Order Vacated

Mr. Ingham of Winchester moved that House Joint Resolution No. 17, Joint resolution memorializing congress relative to the St. Lawrence Water Ways, be vacated from the Committee on Public Works, and the joint resolution be referred to the Committee on Judiciary.

On a *viva voce* vote the motion prevailed.

### Senate Message

House Bill No. 36, An act relating to registration of foreign corporations.

The question being on the amendment, sent down from the Honorable Senate, as printed in the House Journal for Wednesday, March 16, on pages 11 and 12.

Mr. Turner of Keene moved that the House non concur in the amendment, and asked that a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed, and the Speaker appointed as members on such committee on part of the House, Messrs. Hinman of Stratford, Turner of Keene and Sawyer of Concord.

### Engrossed Bills

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 158, An act relative to purchase and sale of poultry.

House Bill No. 75, An act regulating the height of vehicles.  
The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 45, An act relating to method of payment for forest fires expenses.

House Bill No. 91, An act relating to the gross weight of motor vehicles.

House Bill No. 251, An act relating to the appointment and tenure of deputy clerks of superior courts.

House Bill No. 276, An act increasing the number of court stenographers.

House Bill No. 346, An act relating to fines collected by a municipal court.

House Bill No. 347, An act relating to marking highways for motor vehicle travel.

House Bill No. 350, An act relating to changing the name of Long Pond in Hollis.

House Bill No. 484, An act to increase the membership of the Reorganization Commission.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and Journals.

Amend section 4 of the bill by striking out the word "shall" in the sixth line and inserting in place thereof the word may; so that said section as amended shall read as follows:

4. *Bills and Resolutions.* Amend section 4, chapter 10, Revised Laws, by striking out the words "seven hundred and fifty" in the second line thereof and inserting in their place the words, eleven hundred, so that said section as amended shall read as follows: 4. *Bills and Resolutions.* The clerks of the Senate and House of Representatives may cause to be

printed eleven hundred copies of every bill and joint resolution after its second reading, and shall cause one each of such copies to be distributed to each member of those bodies as soon as printed. Twenty-five copies of each shall be delivered to the state library.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 65, An act relative to unemployment compensation benefit liability conditions.

Amend section 1 of said bill by striking out the word "and" in the fourth line. Further amend said section by inserting after the figure "1947" where it occurs the second time in the fourth line the words and figures, and by section 2, chapter 30, Laws of 1949.

On motion of Mr. Angus of Claremont the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 141, An act relative to suspension or revocation of certificates issued under New Hampshire Aeronautics Act.

Amend section 1 of said bill by striking out the last sentence and inserting in place thereof the following:

Provided further that if any person takes an appeal from such conviction the commission may suspend the certificate of such person pending the appeal.

On motion of Mr. Brown of Laconia the House concurred in the adoption of the amendments proposed by the committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 165, An act relative to notice to director before water is drawn down in certain cases.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Prohibition.* Amend chapter 245 of the Revised Laws by inserting after section 36 the following new sections: 36-a. *Notice.* No person by means of opening gates or dams, other than in the ordinary use of an established water privilege, shall draw

On motion of Mr. Whittier of Bethlehem the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 193, An act relating to pupils.

Amend section 1 of said bill by striking out the first six lines and inserting in place thereof the following:

1. *School Pupils.* Amend section 1 of chapter 137 of the Revised Laws by striking out said section and inserting in place thereof the following: 1. *Duty of Pupil.* Every child between eight and sixteen years of age shall attend the public school within the district or a public school outside the district to which he is assigned or an approved private school during all the time the public schools are in session, unless he is more than fourteen years old and has completed the

On motion of Mrs. Atwood of Sanbornton the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 33, An act relative to the board of parole.

Senate Bill No. 49, An act relative to the bag limit for taking horned pout.

### Senate Bills Read and Referred

Senate Bill No. 33, An act relative to the board of parole.

Read a first and second time and referred to the Committee on Public Welfare and State Institutions.

Senate Bill No. 49, An act relative to the bag limit for taking horned pout.

Read a first and second time and referred to the Committee on Fisheries and Game.

The message further announced that the Senate had passed the following joint resolution, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 10, Joint resolution relating to world government.

### **Senate Joint Resolution Read and Referred**

Senate Joint Resolution No. 10, Joint resolution relating to world government.

Read a first and second time and referred to the Committee on Executive Departments and Administration.

The message also announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolutions:

### **Concurrent Resolutions**

Memorializing the congress of the United States to pass, and the president of the United States to approve, if passed, the General Pulaski's Memorial Day resolution now pending in congress.

*Whereas*, a resolution providing for the president of the United States of America to proclaim October 11th of each year as "General Pulaski's Memorial Day" for the observance and commemoration of the death of Brigadier General Casimir Pulaski is now pending in the present session of the United States Congress; and

*Whereas*, the 11th day of October, 1779 is the date in American history of the heroic death of Brigadier General Casimir Pulaski, who died from wounds received on October 9th, 1779, at the siege of Savannah, Georgia; and

*Whereas*, the State of Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Nevada, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and other states of the Union, through legislative enactment designated October 11th of each year as "General Pulaski's Memorial Day"; and

*Whereas*, it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War; and

*Whereas*, the Congress of the United States of America has by legislative enactment designated from October 11, 1929 to October 11, 1946; to be General Pulaski's Memorial Day in United States of America; Now, therefore be it

*Resolved by the House of Representatives, the Senate concurring:*

That we hereby memorialize and petition the congress of the United States to pass, and the president of the United States to approve, if passed, the General Pulaski's Memorial Day resolution now pending in the United States congress.

On a *viva voce* vote the resolution was adopted.

Mr. Laraba of Portsmouth offered the following resolution:

*Whereas* it has been established by precedent and custom that the General Court invite as its guest at the session following his inaugural, a new President of the University of New Hampshire, and

*Whereas* on October 9, 1948, Dr. Arthur Stanton Adams was inaugurated as the eleventh President of the University of New Hampshire, therefore be it

*Resolved By the House of Representatives, the Senate concurring*, That the General Court invite Dr. Arthur Stanton Adams, President of the University of New Hampshire, to address the Joint Convention on Tuesday, March 29th, at 11:00 A. M.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and to allow third readings of bills, by their title only, and when the House adjourns this morning it adjourn to meet Tuesday morning at 11:00 o'clock.



### Third Readings

House Bill No. 199, An act providing for additional appropriation for certain departments for the fiscal year ending June 30, 1949.

House Bill No. 210, An act to provide for a presidential preference primary.

House Bill No. 419, An act relative to town appropriations for hospitals.

House Bill No. 430, An act relative to the reclassification of a road in the town of Milton.

House Bill No. 452, An act relative to airport managers and their powers and duties.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 23, An act relative to recoveries in old age assistance.

Senate Bill No. 26, An act relative to the Congregational Society in Stratham.

Senate Joint Resolution No. 9, Joint resolution relative to the estate of D. Salmon Whitcomb.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Blake of Swanzey at 12:05 o'clock the House adjourned.

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TUESDAY, MARCH 22, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, thou God of nations, and who art interested in the welfare of the peoples of all lands, let Thy blessing rest upon those nations that at this time have joined themselves together in a united stand against the power of aggression that would destroy their freedom and enslave their people. Strengthen this bond of unity by Thy Spirit; endue the lead-

ers of this pact with wisdom born of heaven, and guide them in this great undertaking by thine infinite wisdom. Through Jesus Christ our Lord. Amen.

### Leaves of Absence

Messrs. Elliott of Milford and Cote of Nashua, and Mrs. McPhail of Manchester, were granted leaves of absence for the day on account of illness.

Mr. Walker of Grantham was granted leave of absence for the day on account of important business.

Mr. Shannon of Laconia was granted leave of absence for the week on account of illness.

Mr. Cummings of Peterborough was granted leave of absence for the week on account of death in family.

### Committee Reports

Mr. Angus of Claremont, for a special committee, consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 124, An act relative to administration officers of the city of Claremont, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass:

Amend section 1 of the bill by inserting after the words "milk inspector" in the sixteenth line, the following; (10) fire chief, so that said section as amended shall read as follows:

1. *City of Claremont.* Amend section 26 of chapter 392 of the Laws of 1947 by striking out said section and inserting in place thereof the following: 26. *Administrative Officers.* There shall be the following administrative officers and boards:

I. The following officers and boards shall be appointed by the city council in regular session by a majority vote of such board: (1) city manager; (2) city clerk; (3) auditor.

II. The following officers and boards shall be appointed by the city manager subject to confirmation by the city council: (1) superintendent of the water and sewer department; (2) superintendent of the highway department; (3) assessor or assessors; (4) treasurer; (5) tax collector; (6) overseer of the poor; (7) city solicitor; (8) building inspector; (9) milk inspector; (10) fire chief. All of the department

heads now existing or which may be appointed through ordinance or resolution may hire their own subordinate clerks and employees, as needed, subject to the approval of the city manager as to number, but not subject to his approval as to personnel.

The undersigned, a minority of the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 124, An act relative to administration officers of the city of Claremont, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

SYDNEY B. CONVERSE,  
WM. F. BISSONETT,  
PERL L. HUTCHINS,  
GEORGE E. ZOPF,  
*A Minority of the Committee.*

The reports were accepted.

The question being on the amendment offered by the majority of the committee.

On a *viva voce* vote the amendment was adopted.

Mr. Zopf of Claremont offered the following amendment:

Amend said bill by striking out the title and inserting in place thereof the following: "An act to provide for an advisory referendum for information of the present session of the legislature on the question of making amendments at this time to the charter of the city of Claremont."

Further amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Advisory Referendum.* In order to advise the present session of the legislature concerning the true sentiment of the people of Claremont as to whether they wish any changes in the Claremont City Charter at this time, a special referendum shall be held in said city within thirty days after the passage of this act at a date to be fixed by the city council. The city clerk will cause to be prepared the necessary ballots for such a referendum, on which shall appear the following question: "Do you favor changing at this time the charter of the city of Claremont?" followed by the words "Yes" and "No" and suitable boxes in which the voter may indicate his choice. The check lists used at the biennial election of 1948 shall be used

at such referendum. The city election officers shall canvass the vote and forthwith return the totals to the Secretary of State, who shall lay them before the legislature. The city council shall determine the times of opening and closing of polls. The election laws of the state and city of Claremont shall govern this referendum to the extent not inconsistent with this Act.

2. *Takes Effect.* This act shall take effect upon its passage.

The question being on the amendment.

The chair ruled that the amendment was not germane to the bill.

Mr. Zopf of Claremont moved that the rules be suspended to allow the amendment to be taken up at the present time.

The question being on the motion of suspend the rules.

(Discussion ensued)

Messrs. Zopf and Converse of Claremont spoke in favor of the motion.

Messrs. Baron and Angus of Claremont spoke against the motion.

The Speaker called for a division.

A division being had, 198 members having voted in the affirmative, and 130 members having voted in the negative, and less than two thirds of the members having voted in the affirmative or negative, the motion to suspend the rules did not prevail.

Mr. Zopf of Claremont moved that the bill be recommitted to the delegation from Claremont.

On a *viva voce* vote the Chair was in doubt.

The Speaker called for a division.

A division being had, 206 members having voted in the affirmative, and 119 members having voted in the negative, the bill was recommitted to the delegation from Claremont.

### Recommitted

On motion of Mr. Angus of Claremont the following bills were recommitted to the delegation from Claremont.

House Bills Nos. 127, 272, 125, 273.

### Taken From Table.

Mr. Hart of Wolfeboro, for the Committee on Appropriations, to whom was referred House Bill No. 358, An act providing for a temporary pay increase for state employees, reported the same with the amendment as printed in Journal of March 17, pages 5 and 6, and the recommendation that the bill as amended, ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Sanborn of Wakefield moved that the rules be suspended, and the bill made in order for a third reading, by title, at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Pillsbury of Manchester moved that the vote whereby the House passed House Bill No. 258 be reconsidered.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 53, An Act relating to non-resident pupils in schools, reported the same with the amendment as printed in Journal of March 17, pages 7 and 8 and the recommendation that the bill as amended, ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred House Bill No. 465, An act relating to conversion into federal savings and loan association, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 38 as inserted by section 1 of the bill by striking out the word "less" in the ninth line, and inserting in place thereof the word, more, so that said section as amended shall read as follows:

38. *Conversion Into Federal Savings and Loan Associations.* Any building and loan association or co-operative bank of this state either of which is hereinafter referred to as association, doing a home-financing business may convert itself into a federal savings and loan association in accordance with the provisions of section 5 of the Federal Home Owners' Loan Act of 1933, as now or hereafter amended, upon a vote of fifty-one per cent or more of the votes of the members present and voting at an annual meeting or at a special meeting called to consider such action; notice of such meeting to vote on conversion shall be mailed at least twenty and not more than thirty days prior to the date of the meeting to each member of record at his last known address as shown on the books of the association. A copy of the minutes of the proceedings of such meeting of the members, verified by the affidavit of the secretary or an assistant secretary, shall be filed in the office of the bank commissioner within ten days after the date of such meeting. Such certified copy of the proceedings of such meeting, when so filed, shall be presumptive evidence of the holding and action of such meeting. Within three months after the date of such meeting, the association shall take such action in the manner prescribed and authorized by the laws of the United States as shall make it a federal savings and loan association.

Amend section 38-a as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

38-a. *Filing of Charter.* There shall be filed with the bank commissioner a copy of the charter issued to such federal savings and loan association by the federal home loan bank board or a certificate showing the organization of such association as a federal savings and loan association, certified by the secretary or assistant secretary of the federal home loan bank board. A copy of the charter, or of such certificate shall be filed by the association with the secretary of state and with the office of the clerk of the town in which the association conducts its business. Any failure to file any such instruments as aforesaid shall not affect the validity of such conversion. Upon the grant to any association of a charter by the federal home loan bank board, the association receiving such charter shall cease to be an association incorporated

under this act and shall no longer be subject to the supervision and control of the bank commissioner.

Amend section 38-b as inserted by section 1 of the bill by inserting before the word "abated" in the seventeenth line the word, been, and inserting after the word, "have" where it occurs the second time in said line the word, been, so that said section as amended shall read as follows:

38-b. *Corporate Existence Continued*, Upon the conversion of any association into a federal savings and loan association, the corporate existence of such association shall not terminate, but such federal association shall be deemed to be a continuation of the entity of the association so converted and all property of the converted association, including its rights, titles, and interests in and to all property of whatsoever kind, whether real, personal, or mixed, and things in action, and every right, privilege, interest, and asset of any conceivable value or benefit then existing, or pertaining to it or which would inure to it, shall immediately by act of law and without any conveyance or transfer and without any further act or deed remain and be vested in and continue to be the property of such federal association into which the state association has converted itself, and such federal association shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by the converting association, and such federal association as of the time of the taking effect of such conversion shall continue to have and succeed to all the rights, obligations, and relations of the converting association. All pending actions and other judicial proceedings to which the converting state association is a party shall not be deemed to have been abated or to have been discontinued by reason of such conversion, but may be prosecuted to final judgment, order, or decree in the same manner as if such conversion into such federal association had not been made and such federal association resulting from such conversion may continue such action in its corporate name as a federal association, and any judgment, order or decree may be rendered for or against it, which might have been rendered for or against the converting state association thereto involved in such judicial proceedings.

Amend section 38-d as inserted by section 1 of the bill by striking out the word, "less" in the seventh line and inserting in place thereof the word, more, so that said section as amended shall read as follows: 38-d. *Conversion into State Chartered Association.* Any federal savings and loan association may convert itself into a building and loan association or a cooperative bank under this act upon a vote of fifty-one per cent or more votes of members of such federal savings and loan association present and voting at an annual meeting or at any special meeting called to consider such action; notice of such meeting to vote on conversion shall be mailed at least twenty and not more than thirty days prior to the date of the meeting to each member of record at his last known address as shown on the books of the associations.

Amend section 38-h as inserted by section 1 of the bill by inserting before the word "abated" in the eighteenth line, the word, been, and inserting after the word, "have" where it occurs the second time in said line, the word, been, so that said section as amended shall read as follows:

38-h. *Federal Conversion.* Upon the conversion of a federal savings and loan association into a state building and loan association or cooperative bank, the corporate existence of such association shall not terminate, but such state association shall be deemed to be a continuation of the entity of the association so converted and all property of the converted association, including its rights, titles and interests in and to all property of whatsoever kind, whether real, personal, or mixed, and things in action, and every right, privilege, interest, and asset of any conceivable value or benefit then existing, or pertaining to it, or which would inure to it, shall immediately by act of law and without any conveyance or transfer and without any further act or deed remain and be vested in and continue and be the property of such state association into which the federal association has converted itself, and such state association shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by the converting association, and such state association as of the time of the taking effect of such conversion shall continue to have and succeed to all the rights, obligations, and relations of the converting association. All pending actions and other judicial proceedings to which



the converting federal association is a party shall not be deemed to have been abated or to have been discontinued by reason of such conversion, but may be prosecuted to final judgment, order or decree in the same manner as if such conversion had not been made and such state association resulting from such conversion may continue such action in its corporate name as a state association, and any judgment, order or decree may be rendered for or against it, which might have been rendered for or against the converting federal association theretofore involved in such judicial proceedings.

The report was accepted.

Mr. Doonan of Greenville moved that the rules be suspended, and reading of the amendment be dispensed with.

The question being on the motion.

(Discussion ensued)

Mr. Doonan of Greenville spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The amendment was adopted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 285, An act changing season for taking salt water smelt, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Suosso of Concord, for the Committee on Municipal and County Government, to whom was referred House Bill No. 416, An act relative to reports by town clerks, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. French of Bedford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 263, An act authorizing the Fremont school district to issue bonds or notes, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Clough of Haverhill moved that House Bill No. 263 be laid upon the table and made a special order for Wednesday, March 23 at 11:01 o'clock.

On a *viva voce* vote the motion prevailed.

Mr. Redden of Dover, for the Committee on Municipal and County Government, to whom was referred House Bill No. 232, An act relating to the return of tax collectors' reports from the registry of deeds, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Dunbar of Enfield, for the Committee on Public Health, to whom was referred House Bill No. 309, An act relating to drainage into highways, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Dunbar of Enfield, for the Committee on Public Health, to whom was referred House Bill No. 267, An act relative to prohibiting marriages, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred Senate Bill No. 34, An act relative to motor vehicle violations, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Myhaver of Peterborough moved that Senate Bill No. 34 be recommitted to the committee.

The question being on the motion.

(Discussion ensued)

Mr. Myhaver of Peterborough spoke in favor of the motion.

On a *viva voce* vote the motion prevailed, and the bill was recommitted to the Committee on Transportation.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred Senate Bill No. 35, An act relative to registration of motor vehicles, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by striking out the words "upon its passage" and inserting in place thereof the following: April 1, 1950, so that said section as amended shall read as follows:

2. *Takes Effect.* This act shall take effect April 1, 1950.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 366, An act relative to motorized bicycles or scooters, reported the same with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. *Definition.* Amend paragraph XIII of section 1, chapter 115 of the Revised Laws by adding at the end thereof the words "and this definition shall also include motor scooters of all types, together with motorized bicycles, so that said paragraph as amended shall read as follows: XIII. "Motor cycle" shall apply only to motor vehicles having but two wheels in contact with the ground and with pedals and saddle on which the driver sits astride and this definition shall also include motor scooters of all types, together with motorized bicycles.

Further amend the bill by inserting a new section 2 as follows:

2. Amend chapter 117 of the Revised Laws by inserting a new section as follows: 7-a. *Motor Cycle.* No person operating a motor cycle shall permit any other person to ride unless the motor cycle is suitably equipped and designed to safely transport additional persons.

Further amend the bill by renumbering section 2 to read section 3.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 277, An act relative to gross weight of motor vehicles, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

### Resolution

Mr. Ecker of Manchester offered the following resolution:

*Whereas*, this is St. Patrick's Day and throughout the world men and women will wear a bit of green in honor of Ireland's greatest saint, and

*Whereas*, students of history hold various beliefs as to his nationality, all seem to agree that he was the greatest figure in Irish history, and

*Whereas*, it has been reported that the saint's real name was not Patrick, but that this name was given him when he was a bishop, and

*Whereas*, the noble saint was credited to having been born in France, Italy, Wales, Scotland and England, and probably a few more nations, and

*Whereas*, St. Patrick, regardless of where he was born, was tall and fair like the Irish and a person of great action and thought, and

*Whereas*, the birthplace of the saint may be hotly disputed and other legends concerning him investigated and revamped down through the years for more than 1500 years, he has been the beloved hero saint of those with Irish blood, now therefore

*Be It Resolved*, That the House honor his great accomplishments and his outstanding character.

On a *viva voce* vote the resolution was adopted.

### Engrossed Bills

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Bill No. 21, An act relating to legacy receipts.

Senate Bill No. 23, An act relative to recoveries in old age assistance.

Senate Bill No. 26, An act relative to the Congregational Society in Stratham.

House Joint Resolution No. 25, Joint resolution in favor of the estate of John H. McShea, Sr.

House Bill No. 45, An act relating to method of payment for forest fire expenses.

House Bill No. 48, An act relating to the apportionment of expenses for municipalities in fighting forest fires.

House Bill No. 65, An act relative to unemployment compensation benefit eligibility conditions.

House Bill No. 141, An act relative to suspension or revocation of certificates issued under New Hampshire Aeronautics Act.

House Bill No. 165, An act relative to notice to director before water is drawn down in certain cases.

House Bill No. 193, An act relating to pupils.

House Bill No. 241, An act relative to requirements for manufacture of ice cream.

House Bill No. 246, An act relative to biologicals.

House Bill No. 251, An act relating to the appointment and tenure of deputy clerks of superior courts.

House Bill No. 265, An act relative to recording death certificates.

House Bill No. 266, An act relative to vital statistics forms, and recording records of stillbirths.

House Bill No. 276, An act increasing the number of court stenographers.

House Bill No. 346, An act relating to fines collected by a municipal court.

House Bill No. 347, An act relating to marking highways for motor vehicle travel.

House Bill No. 484, An act to increase the membership of the reorganization commission.

The report was accepted.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred Senate Joint Resolution No. 9, Joint resolution relative to the estate of D. Salmon Whitcomb, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the resolution by striking out the words, "accordingly or by forfeiture of" in the seventh and eighth lines and inserting in place thereof the words, in accordance with the provisions of,

On motion of Mr. Sanborn of Wakefield the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 15, An act relating to the tenure and bond of the state treasurer, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *State Treasurer.* Amend section 1 of chapter 22 of the Revised Laws by adding at the end thereof the words, and shall hold office until a successor is elected, so that said section as amended shall read as follows: 1. *Election.* The state treasurer shall be chosen biennially in the manner directed in the constitution and shall hold office until a successor is elected.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Holding Over.* Amend section 2 of chapter 22 of the Revised Laws by striking out said section and inserting in place thereof the following:

2. *Bond.* Before entering upon the duties of his office he shall give bond in the sum of fifty thousand dollars, with sufficient sureties, to be approved by the governor and council, conditioned for the faithful discharge of the duties of his office, which bond shall be deposited and safely kept in the office of the secretary. Upon the failure of the legislature to elect a state treasurer on the first Wednesday of the biennium the state treasurer previously elected shall give a new bond in the sum of fifty thousand dollars with sureties, to be approved by the governor and council, which bond shall be conditioned upon the satisfactory discharge of the duties of said office until a successor is elected and shall be deposited and safely kept in the office of the secretary of state.

Further amend said bill by adding at the end the following new section:

3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Johnson of Northwood the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and journals, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended, ought to pass.

Amend section 3 of said bill by striking out the first four lines and inserting in place thereof the following:

3. *Printing.* Amend section 4, chapter 10, Revised Laws, by striking out the words "shall" in the second line and inserting in place thereof the word, may, and by striking out the words "seven hundred and fifty" in said second line and inserting in place thereof the words, eleven hundred, so that said section as amended shall read as follows: 4. *Bills and Resolutions.* The

On motion of Mr. Johnson of Northwood the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution sent up from the House of Representatives:

House Bill No. 140, An act relative to mineral oil in foods and guaranty to dealer relative to original packages of foods.

House Bill No. 241, An act relative to requirements for manufacture of ice cream.

House Bill No. 246, An act relative to biologicals.

House Bill No. 265, An act relative to recording death certificates.

House Bill No. 266, An act relative to vital statistics forms, and recording records of stillbirths.

House Joint Resolution No. 25, Joint resolution in favor of the estate of John H. McShea, Sr.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 21, An act relating to legacy receipts.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 48, An act relating to the apportionment of expenses of municipalities in fighting forest fires.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 3, An act relative to the practice of optometry.

Amend section 1 of the bill by striking out in the sixth line the word "grossly"; so that said section as amended shall read as follows:

1. *Revocation of Certificate.* Amend section 22, chapter 253, Revised Laws, by striking out said section and inserting in place thereof the following: 22. *Causes.* The board,



after hearing, may refuse to issue a license, or may revoke any license issued under this act, if the licensee has been found guilty of any fraud in obtaining his certificate or in the practice of optometry, has been convicted of crime, is an habitual drunkard, is incompetent to practice optometry, or has been guilty of unprofessional, dishonorable or immoral conduct; or if the licensee in advertising his business has included in any newspaper, radio, display sign or other advertisement any statement of a character tending to deceive or mislead the public; or in advertising has included any statement claiming professional superiority; or has advertised in any way the performance of professional services in a superior manner; or has advertised definite or fixed prices for services and materials when the nature of the professional service rendered and the materials required must be variable; or has advertised by means of signs or printed advertisements or show cases containing the representation of glasses, or photographs of any person or has continued to practice without annual registration.

On motion of Mrs. Greene of Concord the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and to allow third readings of bills, by their title only.

### Third Readings

House Bill No. 53, An act relating to non-resident pupils in schools.

House Bill No. 267, An act relative to prohibiting marriages.

House Bill No. 309, An act relating to drainage into highways.

House Bill No. 366, An act relative to motorized bicycles or scooters.

House Bill No. 465, An act relating to conversion into federal savings and loan associations.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 35, An act relative to registration of motor vehicles.

Read a third time and passed, and sent to the Senate for concurrence in the amendment.

On motion Mr. Rathbone of Exeter at 12:30 o'clock the House adjourned.

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### WEDNESDAY, MARCH 23, 1949

The House met according to adjournment.

Prayer was offered by the Rev. Theodore L. Clapp of Goffstown.

Almighty and our all-wise God, humble us this moment to listen for Thee. Wilt thou stand like a sentinel at the gateway of our minds and hearts this day.

Guard all that we say or think so that the sovereign state of New Hampshire may not become subject to chance nor be dependent for its very life-blood upon the corruptive vices of the people.

Lead us in straight though hard ways. Let no opportunistic stop-gap cloud our sight of the principles under which alone Thou dost prosper any people and without which we are cursed to wander on our own self-destructive way.

Renew our allegiance to Thee who art just and right and to our duty for which we are chosen. So help us God. Amen.

### Leaves of Absence

Mr. Brown of Laconia and Mr. Downing of Newport were granted leaves of absence for the day on account of illness.

Mr. Walker of Grantham was granted leave of absence for the day on account of important business.

Mr. Nolan of Manchester was granted leave of absence for the week on account of illness in family.

Mr. Elliott of Milford was granted leave of absence for the rest of week on account of illness.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Bill No. 487, An act relating to the Northeastern Interstate Forest Fire Compact. To the Committee on Forestry and Recreation.

By Mr. Angus of Claremont, House Bill No. 488, An act to revise the charter of the city of Claremont. To the Special Committee composed of the members of the Claremont Delegation.

By the Committee on Rules, House Bill No. 489, An act providing for an aerial survey of the State of New Hampshire. To the Committee on Appropriations.

### Committee Reports

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 311, An act relating to supervisory unions, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

1. *Supervisory Unions.* Amend chapter 135 of the Revised Laws by inserting after section 46 the following new section: 47. *Budget.* At a meeting held before January of each year the supervisory union board shall adopt a budget required for the expenses for the next fiscal year of the supervisory union which may include the salary and expenses of supervisors of health, physical education, music, art, and guidance, and any other employees and expenses necessary for the administration and supervision in the supervisory union. The supervisory union board shall apportion the total amount of the budget among the constituent school districts on the following basis to provide that each district shall pay for only those services in which they share. The basis for the apportionment shall be one-half on the average membership for the

previous school year and one-half on the last assessed valuation of the district. Prior to January 15th in each year, the board shall certify to the chairman of the school board of each constituent school district the amount so apportioned. Each district within a supervisory union shall raise at the next annual district meeting the sum of money apportioned to it by the supervisory union board for the expenses of services which each district receives in connection with the union office. The provisions of this section shall not apply to supervisory unions comprising only one district.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed under Rule No. 48.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 259, An act relative to taking salmon and brook trout in Lake Sunapee, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend the title of said bill by striking out the words "brook trout" and inserting in place thereof the word, aureolus, so that said title as amended shall read as follows: relative to taking salmon and aureolus in Lake Sunapee.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Aureolus and Salmon.* Aureolus and salmon may be taken from Sunapee Lake from April 1 to August 31, and during the month of September by the use of artificial flies only.

2. *Application of Statutes.* Such parts of sections 7 and 22 of chapter 245 of the Revised Laws as amended by regulations adopted by the director of fish and game as may be inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistencies. Except as otherwise provided in this section all laws relative to taking salmon and aureolus under the provisions of fish and game laws shall apply to the taking of salmon and aureolus from Lake Sunapee hereunder.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The question being on the amendment.

Mr. Angus of Claremont offered the following amendment:

Amend section 1 by striking out the following "April 1" (in the proposed amendment) and inserting in place thereof the words, one week after the ice goes out, so that said section as amended shall read as follows:

1. *Aureolus and Salmon.* Aureolus and salmon may be taken from Sunapee Lake from one week after the ice goes out to August 31 and during the month of September by the use of artificial flies only.

The question being on the amendment to the amendment.

(Discussion ensued)

Mr. Angus of Claremont spoke for the amendment.

Mr. Fernald of Rochester spoke against the amendment.

On a *viva voce* vote the amendment to the amendment was not adopted.

The question being on the amendment offered by the committee.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 43, An act relative to care of lumber slash, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 44, An act relating to the felling of trees on boundary lines, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the words "the tops of" in the seventh line so that said section as amended shall read as follows:

1. *Adjacent Land Owner.* Amend section 51 of chapter 233 of the Revised Laws by striking out said section and inserting in place thereof the following: 51. *Felling Trees Adjacent to Another's Land.* When cutting is done adjacent to the land of another the trees shall be felled away from, and

not towards the property line of the abutting owner, so that the slash from said trees, when on the ground, shall be at least twenty-five feet from the property line.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 82, An act relating to penalty in registration of saw mills and brush disposal, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 328, An act relative to removal of slash and storage of combustibles near saw mills, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Wheeler of Bristol, for the Committee on Judiciary, to whom was referred House Bill No. 294, An act relative to homestead rights, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee.

Mr. Giesel of Manchester offered an amendment.

The Speaker ruled the amendment out of order.

Mr. Geisel of Manchester moved to substitute the words "ought to pass" for the resolution of the committee, "inexpedient to legislate."

The question being on the motion to substitute.

Messrs. Geisel of Manchester and Lea of Pembroke spoke in favor of the motion.

(Discussion ensued)

Messrs. Turner of Keene and Sawyer of Concord spoke against the motion.

On a *viva voce* vote the motion to substitute the words "ought to pass" for the resolution of the committee "inexpedient to legislate" did not prevail.

Mr. Geisel of Manchester asked for a division.

A division being had, 79 members having voted in the affirmative and 204 members having voted in the negative, the motion to substitute did not prevail.

The question being on the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Laraba of Portsmouth, for the Joint Committees on Judiciary and Education, to whom was referred House Joint Resolution No. 6, Joint resolution relative to the teaching and advocating of doctrines tending toward the overthrow of government in the state, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said resolution by striking out the caption thereof and inserting in place thereof the following:

Joint resolution directing the establishment of an Interim Commission to make a study of the laws of the United States and other states and to formulate and prepare a report for submission to the Governor and Council on or before January 1, 1951 for the protection of the democratic principles of government and ideals in this state and for the exposure and expurgation of subversive activities in the state of New Hampshire.

Amend said resolution by striking out the preamble and inserting in place thereof the following:

*Whereas*, the system of government known as totalitarian dictatorship is characterized by a single political party, organized on a dictatorial rather than a democratic basis; and

*Whereas*, the establishment of a totalitarian dictatorship in any country results in the obstruction of free democratic institutions, the ruthless suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a democratic or representative form of government, such as freedom of speech, of the press, of assembly and of religious worship, and results in the

maintenance of control over the people through fear, terrorism and brutality; and

*Whereas*, there exists a world communist movement, which, in its origin, its development and its present practice, is a world-wide revolutionary political movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental, educational, and otherwise) and espionage, sabotage, terrorism and any other means deemed necessary to establish a communist totalitarian dictatorship in all the countries of the world through the medium of a single world-wide communist political organization; and

*Whereas*, the direction and control of the world communist movement is vested and exercised by the communist dictatorship of a foreign country; and

*Whereas*, the General Court is desirous of having an Interim Commission to study, investigate and report on the situation in New Hampshire for the protection of the democratic principles and ideals of this state and for the exposure and expurgation of subversive and other illegal activities in the State of New Hampshire; now therefore be it

Further amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

*Resolved*, That the governor be and hereby is authorized and directed to appoint, a commission to be known as an Interim Commission on Subversive Activities, said commission to be composed of three members of the Senate, to be designated by the President of the Senate, three members of the House, to be designated by the Speaker of the House, and three residents and citizens of the state of New Hampshire to be designated by the governor, and that one of said nine members shall be designated by the governor to serve as chairman of said commission; and be it further

*Resolved*, That the said commission be and hereby is authorized and directed to make a study of the laws of the United States and other states and to do everything necessary and proper to formulate and prepare a program designed to protect the democratic principles and ideals of this state and to expose and expurgate subversive and other illegal activities in this state; said commission is further directed to submit a report of its findings to the governor and council on or before



January 1, 1951; and all agencies of the state government are hereby ordered and directed to lend their cooperation and assistance to the commission in its activities; and be it further

*Resolved*, That the General Court appropriate the sum of \$3,500 to pay the necessary secretarial and related incidental expenses that may be incurred by the commission to include per diem allowance to the members of the commission when called into session.

*Resolved*, That "subversive activities" as herein used is defined to mean advocacy or persuasion of others to accept the doctrine of overthrow by force of the government of the United States or this state.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed under Rule No. 48.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 293, An act relative to workmen's compensation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 93, An act relative to unemployment compensation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 170, An act relative to revocation of voluntary acceptance of workman's compensation law, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 444, An act relative to

unemployment compensation regulations, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 453, An act relating to factory inspection, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee, inexpedient to legislate.

Mr. Gouin of Dover moved that the bill be recommitted to the Committee on Labor.

The question being on motion to recommit.

(Discussion ensued)

Messrs. Gouin of Dover, Sullivan of Manchester, Ward 7, Pickett of Keene, Martel and Kazakis of Manchester, Doupniet of Franklin and Barry of Wilton, and Mrs. Dondero of Portsmouth, spoke in favor of the motion.

Messrs. Fletcher of Mont Vernon, Sanbornton of Wakefield and Atherton of Nashua, spoke against the motion.

Mr. Gouin of Dover asked for a division.

A division being had, 176 members having voted in the affirmative, and 128 members having voted in the negative, the motion to recommit the bill to the Committee on Labor prevailed.

Mr. Foote of Portsmouth, for the Committee on Liquor Laws, to whom was referred House Bill No. 239, An act relative to minors, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Spirituious Liquors and Beverages*. Amend chapter 170 of the Revised Laws by adding after section 40 the following new section: 40-a. *Falsifying Age*. Any minor between the ages of eighteen and twenty-one who falsely repre-

sents his age for the purpose of procuring malt or vinous beverages or spirituous liquor or for the purpose of securing employment in an establishment where the same are sold shall be fined twenty dollars. 40-b. *Notice.* Every licensee or permittee hereunder shall cause a copy of section 40-a to be posted prominently on the premises where malt or vinous beverages or spirituous liquors are sold.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Mr. Foote of Portsmouth spoke in favor of the amendment.

Mr. Pillsbury of Manchester and Mrs. Brungot of Berlin spoke against the amendment.

Mr. Pillsbury of Manchester moved that the bill, with the amendment pending, be indefinitely postponed.

The question being on the motion to indefinitely postpone.

Messrs. Laraba of Portsmouth and Jones of Lebanon spoke in favor of the motion.

Mr. Fernald of Rochester and Mrs. Dondero of Portsmouth spoke against the motion.

Mr. Killeen of Walpole moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the Chair was in doubt.

Mr. Pillsbury of Manchester asked for a division.

A division being had, 179 members having voted in the affirmative and 134 members having voted in the negative, the motion to indefinitely postpone prevailed.

### Special Order

Mr. Clough of Haverhill called for the special order.

It being, House Bill No. 263, An act authorizing the Fremont school district to issue bonds or notes.

The question being on the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Engrossed Bills

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 91, An act relating to gross weight of motor vehicles.

House Bill No. 339, An act relating to the change of name of the Concord Building and Loan Association.

House Bill No. 353, An act relating to name and shares of building and loan associations.

House Bill No. 340, An act relating to limitations upon accounts of building and loan associations.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 339, An act relating to the change of name of the Concord Building and Loan Association.

House Bill No. 340, An act relating to limitations upon accounts of building and loan associations.

House Bill No. 353, An act relating to name and shares of building and loan associations.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 64, An act pertaining to the practice of dentistry.

Amend section 4 of the bill by striking out the whole thereof and substituting in place therefor the following:

4. *Business Name.* No person shall operate any dental office under any name other than the name of the dentist or dentists actually owning the practice. The above provisions shall not apply to any corporation which, upon the date of the passage of this act, was operating a dental office under a

corporate title containing the name of the dentist or dentists actually owning the practice, "so long as the corporate title shall continue to contain the name of the dentist or dentists from time to time actually owning the practice."

Further amend section 3 by striking out the whole thereof and renumbering sections 4 and 5 to read sections 3 and 4.

On motion of Mr. Besse of Concord the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 369, An act relative to service exemptions for war veterans.

Amend section one of the bill by inserting in line 5, after the words "United States in," the words, any of; so that said section as amended shall read:

1. *War Veterans.* Amend section 29, chapter 73 of the Revised Laws, as amended by chapter 174, Laws of 1943, and by chapter 4, Laws of 1944 and chapter 240, Laws of 1947, by striking out said section and inserting in place thereof the following: 29. *Service Exemption.* Every resident of this state who served not less than ninety days in the armed forces of the United States in any of the wars in which the United States has been engaged, as follows: Spanish-American War, April 21, 1898-April 11, 1899; World War I, April 6, 1917-July 2, 1921; World War II, December 8, 1941-December 31, 1946; except those dishonorably discharged from such service or the spouse of such resident, widow of such resident, and every resident, or spouse of such resident whose services were terminated for a service-connected disability and the widow of any resident who suffered a service-connected death, in consideration of such service shall be exempt each year from taxation upon his or her taxable property as assessed by the selectmen, to the value of one thousand dollars, provided such person and spouse do not own taxable property in this state, exclusive of *bona fide* encumbrances of record thereon, to the value of more than five thousand dollars.

Amend section 4 of the bill by striking out the whole of said section and renumbering it to read section 3, as follows:

3. *State Tax Commission.* Further amend said chapter 73 of the Revised Laws as amended by chapter 240 of the Laws

of 1947 by inserting after section 29-g the following new section: 29-h. *Interpretations and Regulations*. The state tax commission is hereby authorized and empowered to make such reasonable interpretations and constructions of sections 29 through 29g, subject to the approval of the attorney general, as will carry out their spirit and purpose, and to make such reasonable rules and regulations as will insure a uniformity of observance and enforcement thereof throughout the state.

Amend section 5 of the bill renumbering to read 4.

On motion of Mr. Ashley of Lebanon the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 140, An act relative to mineral oil in foods and guarantee to dealer relative to original packages of food.

Amend the title of the bill by striking out the words "mineral oil in foods and."

Amend section 1 by striking out the words "new section" in the third line.

On motion of Mr. Besse of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Resolutions

Mr. Geisel of Manchester offered the following resolution:

*Whereas*, Honorable Charles W. Tobey, United States Senator from New Hampshire, has recently delivered a radio address entitled "Curbing the Octopus," a subject dealing with governmental agencies, the overlapping duties and operations and resulting costs of same, therefore be it

*Resolved*, That we commend our Senator for his courageous stand on the matter, and be it further

*Resolved*, That these resolutions be spread upon our records and a copy sent to Senator Tobey.

On a *viva voce* vote the resolution was adopted.

Mr. Saltmarsh of Concord offered the following resolution:

*Whereas*, Harry H. Kennedy, Representative from Concord, is confined to his home by illness, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend our greetings to our fellow member with our best wishes for his speedy return to health, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Representative Kennedy.

On a *viva voce* vote the resolution was adopted.

Mr. Turner of Keene offered the following resolution:

*Resolved*, That when the House adjourns today, it does so in honor of the teller of Division No. 1, the member from Northwood, whose birthday is today.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and to allow third readings of bills, by their title only.

### Third Readings

House Bill No. 43, An act relative to care of lumber slash.

House Bill No. 44, An act relating to the felling of trees on boundary lines.

House Bill No. 82, An act relating to penalty in registration of saw mills and brush disposal.

House Bill No. 259, An act relative to taking salmon and brook trout in Lake Sunapee.

House Bill No. 328, An act relative to removal of slash and storage of combustibles near saw mills.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Danforth of Manchester at 1:15 o'clock the House adjourned.

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THURSDAY, MARCH 24, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty God, give us the strength and the courage to live another day. Help us to look upon and accept life's problems as a challenge to our better manhood and womanhood. When it would be easier to retreat from what we know to be the right, help us to accept that right as a challenge to go forward; when it would be easier to leave undone the things we should do, help us to look upon the task as a challenge to action. Remind us always that moral and spiritual maturity, like physical manhood and womanhood, is attained only as we conquer those forces that might conquer us. We ask it in the name of Him who conquered all things. Amen.

#### Leaves of Absence

Messrs. Smith of New Hampton and Peever of Salem were granted leaves of absence for the day on account of important business.

Mr. Downing of Newport was granted leave of absence for the day on account of illness.

#### Opinion of Supreme Court

*To the Honorable Senate:*

The undersigned Justices of the Supreme Court make the following answer to the inquiry contained in your resolution filed March 16, 1949: "Do the provisions of House Bill No. 249, An act relative to mileage allowance for members of the Legislature, with amendment as proposed, violate the Consti-



tution of New Hampshire with respect to part second, Article 15, or with respect to any other provision of the Constitution?"

Pursuant to the proposed bill, a member of the Legislature would be allowed mileage for each round trip from his residence to the capitol and return, at rates commencing at ten cents a mile and progressively decreasing to eight, six, and five cents a mile, in inverse proportion to the length of the trip. The rates prescribed are sufficiently related to the cost of travel or the amount which would be expended by any individual legislator in making such a trip as to be within constitutional limits. *Opinion of the Justices*, February 17, 1949.

Section 1 of the bill provides that round trip mileage shall be allowed "for each day of attendance" at the rates specified and that mileage shall not be allowed a member for any day when he is absent. Section 4 likewise provides that mileage accrued since January 1, the effective date of the act, shall depend upon "actual attendance" since that date. The requirement of attendance as a prerequisite to the right to the mileage allowance is not only proper, but necessary.

Section 2 of the bill provides that the distance for which mileage shall be allowed to a particular member shall be determined by the Mileage Committee with reference to "the nearest improved highway," and that the amount of the allowance shall be computed by the Committee. The proposed amendment to this section contains substantially similar provisions. In addition it provides that the Committee's determination of questions of fact shall be final, and that "the fact of attendance of a member on any legislative day shall be *prima facie* evidence such member is entitled to the above-stated mileage for such day."

The latter provision injects a conception not found in the original bill. Without the amendment, the right to the allowance would depend solely upon attendance. The provision of the amendment making attendance merely *prima facie* evidence of a right to mileage suggests that some other criterion may control, but contains no express statement of the ultimate test to be applied. The implication most readily occurring is that actual travel shall be considered the basic prerequisite. No constitutional objection is perceived to the establishment of a rebuttable presumption of actual travel based

upon the fact of attendance. As to a majority of members, the presumption would doubtless correspond to actuality. As to members residing beyond convenient overnight traveling distance, it would not. In the latter case, unless the committee should obtain or be furnished with proof that actual travel did not occur, the effect of the presumption would be to entitle such members to mileage on days of attendance, although they did not travel.

The constitutional issue presented by the bill and the amendment seems to be whether actual travel, however established, is a constitutional prerequisite to the right to receive the mileage allowance. In our opinion it is not. The Constitution contains no elaboration of what was intended by "mileage." The word is commonly defined as an allowance for traveling expense at a specified rate or rates per mile. Conceivably such an allowance might be established as reimbursement for expense actually incurred in travel, or it might be furnished as provision for travel considered to be proper, leaving to the discretion of the recipient the use to be made of the allowance.

We find nothing in the constitutional provision which compels adoption of one interpretation of the word "mileage" in preference to the other. You are accordingly advised that in our opinion the bill is constitutional either with or without the suggested amendment, and your inquiry is answered in the negative.

OLIVER W. BRANCH  
FRANK R. KENISON  
LAURENCE I. DUNCAN  
AMOS N. BLANDIN, JR.

March 23, 1949.

In my opinion the provisions of House Bill No. 249 with amendment as proposed violate the Constitution of New Hampshire, Part Second, Article 15, because they allow payment of mileage for each day of attendance irrespective of actual travel.

The following definition of the word "mileage" is taken from 27 Words and Phrases 172 and is its ordinary meaning. " 'Mileage' is defined in the Century Dictionary as payment allowed to a public functionary for the expenses of travel in the discharge of his duties, according to the number of miles passed over. The same definition substantially is found in

Bouvier's and other law dictionaries." *Richardson v. State*, 66 Ohio St. 108. It is true that by appropriate language the term can be extended beyond the usual sense. However, no such language was used in the Constitution. The words of the Constitution are to be construed in their natural and ordinary meaning. It is not the natural and ordinary meaning of the term "mileage," that it should include an allowance for travel when there is no travel.

Nor does the suggested amendment that the fact of attendance on a particular day shall be *prima facie* evidence that a member is entitled to mileage for such day render the bill constitutional. The amendment is an evasion of the constitutional requirements that no mileage be paid without actual travel. The test for the right to mileage is made, in effect, attendance and not actual travel. Moreover, for many members on many days the fact of attendance has no probative force in determining the fact of travel from their respective homes on those days. Finally, the *prima facie* provision is entirely unnecessary for establishing travel in fact, since the statements of members may be obtained for that purpose as readily as for determining attendance.

FRANCIS W. JOHNSTON

March 23, 1949.

The opinion was ordered printed in the Journal.

### Introduction of Bill

The following bill was severally read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Falconer of Milford, House Bill No. 490, An act relating to the recording of plans by the highway department. To the Committee on Executive Departments and Administration.

### Committee Reports

Mr. Jones of Lebanon, for the Committee on Judiciary, to whom was referred House Bill No. 148, An act relating to public utilities, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Sawyer of Concord, for the Committee on Judiciary, to whom was referred Senate Bill No. 29, An act in relation to notice of petitions for right to appeal from decrees of probate courts, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Hinman of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 172, An act relative to regulation of subdivision of land under municipal planning, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 323, An act establishing a committee on public utilities, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Mason of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 402, An act empowering the superior court to make orders for support in certain cases, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Mason of Berlin, for the Committee on Judiciary, to whom was referred Senate Bill No. 3, An act relating to commitment to veterans' administration, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Insane Persons*. Amend the Revised Laws by inserting after chapter 219-A, as inserted by chapter 190, Laws of 1943, the following new chapter:

## Chapter 219-B.

### Commitment to Veterans' Administration.

1. *Commitment to Institutions.* Whenever, in any proceeding under the laws of this state for the commitment of a person alleged to be of unsound mind or otherwise in need of confinement in a hospital or other institution for his proper care, it is determined after such adjudication of the status of such person as may be required by law that commitment to a hospital for mental diseases or other institution is necessary for safekeeping or treatment and it appears that such person is eligible for care or treatment by the veterans' administration or other agency of United States government, the court, or other committing authorities, upon receipt of a certificate from the veterans' administration or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to said veterans' administration or other agency. Upon commitment, such person, when admitted to any facility operated by any such agency within or without this state shall be subject to the rules and regulations of the veterans administration or other agency. With respect to the person so committed the chief officer of such facility shall have the same power and control over said person as would the superintendent of the state institution to which said person otherwise would have been committed. Jurisdiction is retained in the appropriate court of this state at any time to inquire into the mental condition of the person so committed, and to determine the necessity for continuance of his restraint, and all commitments pursuant to this chapter are so conditioned.

2. *Order of Commitment.* The judgment or order of commitment by a court of competent jurisdiction of another state or of the District of Columbia, committing a person to the veterans' administration, or such other agency of the United States government for care or treatment shall have the same force and effect as to the committed person while in this state as in the jurisdiction in which is situated the court entering the judgment or making the order; and the courts of the committing state, or of the District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition

of such person, and of determining the necessity for continuance of his restraint; as is provided in section 1 of this chapter with respect to persons committed by the courts of this state. Consent is hereby given to the application of the law of the committing state or district in respect to the authority of the chief officer of any facility of the veterans' administration, or of any such institution operated in this state by any other such agency of the United States to retain custody, or transfer, parole or discharge the committed person.

3. *Certification of Available Facilities.* Upon receipt of a certificate of the veterans' administration or such other agency of the United States, as provided in section 1, the superintendent of the institution may cause the transfer of such person to the veterans' administration or other agency of the United States for care or treatment. Upon effecting any such transfer, the committing court or other committing authority shall be notified thereof by the transferring agency. No person shall be transferred to the veterans' administration or other agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court or other authority originally committing such person shall enter an order for such transfer after appropriate motion and hearing.

4. *Transfer Deemed Commitment.* Any person transferred as provided in this chapter shall be deemed to be committed to the veterans' administration or other such agency of the United States pursuant to the original commitment.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill, with the amendment pending, was laid upon the table to be printed under Rule No. 48.

Mrs. Mason of Berlin, for the Committee on Judiciary, to whom was referred Senate Bill No. 24, An act relating to claims and liens against estates, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out in line 3 the word "real"; by inserting after the word "any" in line 4 the words, residing with the recipient; by striking out the words "owns real estate" in line 10 and inserting in place thereof the words, resides or owns property: and by inserting after the word "any" in line 18 the words, residing with the applicant, so that said section as amended shall read as follows:

1. *Estates.* Amend chapter 126 of the Revised Laws by striking out section 32 and inserting in place thereof the following new sections: 32. *Claims and Liens.* The estate of every recipient, and the spouse of the recipient, if any, residing with the recipient, owned severally or as joint tenants. shall be holden for all assistance granted to the recipient. All such liens shall continue during the lifetime of the recipient and the spouse of the recipient, if any, unless sooner released by the commissioner. Within thirty days after the first grant of assistance to a recipient, the commissioner shall file with the register of deeds of the county in which the recipient, and the spouse of the recipient, if any, resides or owns property, notice of the lien, together with the name of the recipient, and the spouse of the recipient, if any. The register of deeds shall keep a suitable record of such notices without charging any fee therefor and enter thereon an acknowledgment of satisfaction upon written request of the commissioner.

32-a. *Condition.* The commissioner shall require as a condition to granting old age assistance in any case that the applicant, and the spouse of the applicant, if any, residing with the applicant, submit a properly acknowledged agreement to reimburse the federal government, the state and the county or town for all assistance granted. In such agreement such applicant, and the spouse of the applicant, if any, shall assign as collateral security for such assistance such part of his personal property as the commissioner shall demand. All funds recovered under the provisions of this and the preceding section, after any necessary reimbursement to the federal government as provided in section 19 shall be allocated to the county or town and to the state in the same proportion as the assistance paid by each.

33-b. *Existing Liens.* All liens for old age assistance existing at the time of the passage of this act shall continue unaffected by this act until discharged by the commissioner.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Durell of Portsmouth, for the Committee on Public Works, to whom was referred House Bill No. 256, An act providing for reclassification of a road in Londonderry and Manchester, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by existing legislation.

The report was accepted, and the resolution of the committee adopted.

Mr. Horne of Milton, for the Committee on Public Works, to whom was referred House Bill No. 355, An act relating to reclassification of a certain highway in Francestown, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Bigelow of Pelham, for the Committee on Public Works, to whom was referred House Joint Resolution No. 23, Joint resolution relative to a road in the town of Stark, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by existing legislation.

The report was accepted, and the resolution of the committee adopted.

Mr. Falkenham of Dalton, for the Committee on Public Welfare, to whom was referred Senate Bill No. 36, An act relative to the Peterborough Home for the Aged, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred Senate Bill No. 34, An act relative to motor vehicle violations, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.



Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 260, An act relative to marking state highways, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered by existing legislation.

The report was accepted and the resolution of the committee adopted.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 466, An act relative to legal length of motor busses, having considered the same, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

Mr. Sullivan of Manchester, Ward 6, moved that the bill and accompanying report be laid upon the table and made a special order for Wednesday, March 29, at 11:01 o'clock.

The question being on the motion.

(Discussion ensued)

Messrs. Sullivan of Ward 6 and Pillsbury of Manchester, Lea of Pembroke and Pickett of Keene spoke in favor of the motion.

Mr. Myhaver of Peterborough spoke against the motion.

Mr. Sullivan of Manchester, Ward 6, withdrew his motion.

Mr. Sullivan of Manchester, Ward 6, moved to substitute the words "ought to pass" for "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Washburn of Windham spoke against the motion.

Mrs. Brungot of Berlin spoke for the motion.

Mr. Pickett of Keene moved that the bill and accompanying report be laid upon the table and made a special order for Wednesday, March 30, at 11:01 o'clock.

The question being on the motion.

On a *viva voce* vote the Chair was in doubt.

The Speaker called for a division.

A division being had, 188 members having voted in the affirmative and 126 members having voted in the negative, the motion to make the bill a special order prevailed.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 298, An act relating to the New Hampshire Motor Carrier Act, reported the same, in new draft, with the recommendation that the bill, in its new draft, ought to pass.

The undersigned, a minority of the Committee on Transportation, to whom was referred House Bill No. 298, An act relating to the New Hampshire Motor Carrier Act, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

SHIRLEY A. MARDEN,  
*A Minority of the Committee.*

The reports were accepted.

Mr. Myhaver of Peterborough moved that the bill, in its new draft, be laid upon the table and made a special order for Wednesday, March 30, at 11:02 o'clock.

On a *viva voce* vote the motion prevailed.

#### Taken from Table

Mr. Laraba of Portsmouth, for the Joint Committee on Judiciary and Education, to whom was referred House Joint Resolution No. 6, Joint resolution relative to the teaching and advocating doctrines tending toward the overthrow of government in the state, having considered the same, reported the same with the amendment as printed in Journal of March 23, on pages 8, 9, and 10, and the recommendation that the joint resolution as amended ought to pass.

Mr. Turner of Keene submitted the following statement on behalf of the Joint Committee:

The Joint Committee on Judiciary and Education in reporting House Joint Resolution No. 6, as ought to pass with amendment, would like to emphasize the fact that the Joint Committee perforce conducted a partial investigation in the course of its public hearing and executive sessions which resulted in the opinion that subversive activities, if any, are statewide in scope. The students and faculty of our State University and other public educational institutions within the state are a fair cross section of our state community. If subversive activities exist in our public educational institu-

tions they probably exist in our civic body as a whole. It appeared at the hearings that the President and Board of Trustees of the State University are competent and alerted to the situation in their particular domain.

Because of the foregoing it was the considered opinion of the Joint Committee, concurred in by Past National Commander of the American Legion, James F. O'Neil, that a competent interim commission was called for, whose activities would be statewide in scope with the time which would be available to them for a thorough going investigation, to the end that subversive influences wherever existing in the state may be brought to light and the responsibility placed on the persons, groups or organizations engaged therein.

In making this statement I do so as the spokesman of the Joint Committee with the complete approval of the Joint Committee by unanimous vote in executive session.

The question being on the amendments offered by the committee.

(Discussion ensued)

Messrs. Turner of Keene and Hart of Wolfeboro spoke in favor of the amendments.

On a *viva voce* vote the amendments were adopted, and the joint resolution referred to the Committee on Appropriations.

Mr. Laraba of Portsmouth moved that the rules be suspended and the reference of the bill to the Committee on Appropriations be dispensed with.

The question being on the motion.

(Discussion ensued)

Messrs. Laraba of Portsmouth, Atherton of Nashua and Pickett of Keene spoke in favor of the motion.

On a *viva voce* vote the motion prevailed, and the joint resolution ordered to a third reading.

On motion of Mr. Hart of Wolfeboro the rules were suspended, and the bill was read a third time, by title, at the present time and passed, and sent to the Senate.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 311, An act relating to

supervisory unions, reported the same with the amendment, as printed in Journal of March 23, on pages 4 and 5, and the recommendation that the bill as amended ought to pass.

The report was accepted.

The question being on the amendment as printed in the Journal.

Mr. Pillsbury of Manchester offered the following amendment to the amendment.

Amend the amendment by adding at the end the following sentence:

The supervisory union board, in adopting the budget, shall not add any new services to the budget of any constituent member district unless such member district has voted, at a duly called regular or special district meeting during the preceding year, to accept such new service. A vote to accept a new service shall not be construed as a vote to raise and appropriate money within the meaning of Section 5, Chapter 51, Revised Laws.

The question being on the amendment to the amendment.

(Discussion ensued)

Mr. Pillsbury of Manchester spoke in favor of the amendment to the amendment.

On a *viva voce* vote the amendment to the amendment was adopted.

The question being on the amendment as amended.

(Discussion ensued)

Mr. Fuller of Hanover spoke in favor of the amendment.

Mr. Ferguson of Pittsfield spoke against the amendment.

Mr. Ferguson of Pittsfield moved that the bill with the amendment pending be laid upon the table.

On a *viva voce* vote the motion prevailed.

### Bills Engrossed

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Joint Resolution No. 9, Joint resolution relative to the state of D. Salmon Whitcomb.

Senate Bill No. 15, An act relating to the tenure and bond of the state treasurer.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 358, An act providing for a temporary pay increase for state employees.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act providing for a cost of living bonus for state employees.

On motion of Mr. Pillsbury of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 35, An act relative to registration of motor vehicles.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 169, An act relating to voluntary commitment of patients to the state hospital.

Amend said bill by striking out section 1 and inserting in place thereof the following: 1. *Patients at State Hospital*. Amend chapter 17 of the Revised Laws by striking out section 19 and inserting in place thereof the following: 19. *Voluntary Commitment; Penalty*. Pursuant to rules and regulations established by the superintendent of the state hospital, the state hospital may receive and detain therein as a patient

any person suitable for care and treatment, who voluntarily makes written application therefor on a form prescribed by the superintendent, or if such person be under twenty-one years of age such written application shall be made by the parent or legal guardian or person standing *in loco parentis* of such person. In the discretion of the superintendent of the state hospital such patient may be detained for the purpose of care and treatment until fifteen days after receipt of notice in writing from such patient of his intention or desire to leave the state hospital, or if such patient be under twenty-one years of age, until fifteen days after receipt of notice in writing, stating such intention or desire of the parent or legal guardian or person standing *in loco parentis* of such patient; provided, however, that such notice in writing shall in no event effect a release of such patient until sixty days from his admission to the state hospital. The charges for the support of such patient at the state hospital shall be governed by the provisions for the support of an insane person therein if the written approval of the commission of mental health shall be obtained. Any person violating the provisions of this or the preceding sections shall be fined not more than one hundred dollars.

On motion of Mr. Hurd of Concord the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to recall from the Governor for further consideration, House Bill No. 369, An act relation to service exemption for war veterans.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 177, An act relating to zoning in towns.

House Bill No. 372, An act designating Route No. 4 and the new toll road connecting Route No. 1 in Maine with Route No. 1 in Massachusetts as the Blue Star Memorial Highway.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill and joint resolution:

House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and Journals.

Senate Bill No. 15, An act relating to the tenure and bond of the state treasurer.

Senate Joint Resolution No. 9, Joint resolution relative to the estate of D. Salmon Whitcomb.

The message further announced that the Senate had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 350, An act relating to changing the name of Long Pond in Hollis.

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Name Changed.* The body of water in the town of Hollis in the county of Hillsborough now known as Long Pond shall hereafter

On motion of Mrs. Goodwin of Hollis the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be Engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 358, An act providing for a temporary pay increase for state employees.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 41, An act relative to the staff of the Governor as commander-in-chief.

Senate Bill No. 42, An act relative to adoption of rules and regulations by the state board of fire control.

Senate Bill No. 52, An act legalizing school district meeting in the town of Lyndeborough held in March, 1949.

### **Senate Bills Read and Referred**

Senate Bill No. 41, An act relative to the staff of the Governor as commander-in-chief.

Read a first and second time and referred to the Committee on Military and Veterans' Affairs.

Senate Bill No. 42, An act relative to adoption of rules and regulations by the state board of fire control.

Read a first and second time and referred to the Committee on Executive Departments and Administration.

Senate Bill No. 52, An act legalizing school district meeting in the town of Lyndeborough held in March, 1949.

Read a first and second time and referred to the Committee on Municipal and County Government.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and to allow third readings of bills, by their title only, and when the House adjourns today it adjourn to meet Tuesday at 11:00 o'clock.

### **Third Readings**

House Bill No. 172, An act relative to regulation of subdivision of land under municipal planning.

House Bill No. 402, An act empowering the superior court to make orders for support in certain cases.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 24, An act relating to claims and liens against estates.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

Senate Bill No. 36, An act relative to the Peterborough Home for the Aged.

Senate Bill No. 29, An act in relation to notice of petitions for right to appeal from decrees of probate courts.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Lea of Pembroke at 12:45 o'clock the House adjourned.



TUESDAY, MARCH 29, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty God, whom to know is the beginning of wisdom, we beseech Thee with Thy gracious favor to behold our schools and colleges, and especially our State University. Bless all who teach and all who learn, that learners and teachers alike may follow after Thy wisdom. Endue the young men and women in these institutions of learning with a deep conviction of moral obligation to Thee and to society. Help them to place that high estimate on character that is necessary to enable them more effectively to use their education to maintain the noble principles on which our national life is founded, and make a better world for the generations to come. We ask it in the Name of the Great Teacher. Amen.

### Joint Convention

Pursuant to a resolution adopted by both branches, the Speaker introduced Dr. Arthur Stanton Adams, President of the University of New Hampshire, who addressed the convention as follows:

**Address by Arthur S. Adams, President of the University of  
New Hampshire, before the Joint Convention of the General  
Court of the State of New Hampshire on Tuesday,  
March 29, 1949**

*Mr. Speaker, Your Excellency and Honorable Members of the General Court:*

I am grateful for the opportunity you have given me to come before you and to share with you my impressions and thoughts about the role of the University of New Hampshire in the State.

I first visited the campus of the University in November, 1947. I was immediately impressed by the characteristic New England tidiness of the place. In subsequent conversations with members of the Board of Trustees I was further impressed with the unusually strong sense of trusteeship they all exhibited. When the Board did me the honor of inviting me to become the President of the University, I naturally gave a lot of careful thought to my decision. In reaching my conclusion

to accept the invitation, I gave much weight to the convincing evidence I saw of the steady and continuing support that through the years had been given to the University by the State. It was likewise clear that the University had enjoyed the benefit of wise and prudent management of its resources by its administration and the Board of Trustees. Finally, there was much appeal to me in the fact of the University is small enough to retain the valuable personal elements of education and yet large enough to have breadth and strength in its offerings. Everything I have come to know about the University since my first visit has confirmed my conclusion that its aspect of tidiness and of prudent management is not only a matter of physical appearance, but also of genuine educational integrity.

When I first took up my residence in Durham last May a great many people whom I met asked me what my plans were. I replied that my first objective was to become acquainted with the people of the State in order that I might know at first hand how the University could best continue to foster and develop its service to New Hampshire people. I have pursued this objective and I have been greatly rewarded, not only by what I have learned—which has been a great deal—but also by the interest and support of the University that I have found throughout the State. The warm friendliness which has been extended to me has touched me deeply, and I want to record my appreciation for it. In further expression of this appreciation, I should like to make particular note of the thoughtful courtesy with which I was received by the Committees on Judiciary and Education of this legislature when I appeared before them recently in connection with House Joint Resolution No. 6.

In thinking over what I might say this morning, I have tried to put myself in the position of each of you and to ask myself the question—"What are the most important things about the University that as a legislator I would like to know about?" As I am sure you all realize, the University is a complex organization, with a full time faculty of 247 and with a total enrollment last fall of 3605. It has a notable history and it has the reputation of being an important and respected member of the distinguished colleges and universities of the country. It has problems and if it is to do its job properly it

will continue to have problems — educational problems, financial problems, administrative problems. Their challenge is great, and it is because they are such important problems whose proper solution means much to the welfare of the State and the nation that I count it a privilege to have the opportunity given me to try to find answers to them. But I have come to the conclusion that, important though these problems may be, I should not undertake to discuss them with you now. I trust that I may have other opportunities to present them to you or your committees specifically and in detail.

I have also come to the conclusion that it is not possible for me to give you a really adequate picture of all of the features of the University in a single speech, no matter how patient you might be in listening to me. I am sure that the best way to know the University is to visit it, to talk with the students and faculty and staff members, to see the buildings, and to see the activities of the campus with one's own eyes. I think the old saying, "one look is worth a thousand words" has special emphasis here. And so today I extend to each of you, and through you to the people of the State, a most cordial invitation to visit the University and to see it for yourselves.

When you make such a visit, I am sure you will have the same reaction that many of my friends from other states have had when they have visited me. Even though I had spent hours in telling them about the many outstanding features of the institution, it invariably has happened that after they had spent a little time on the campus, they commented, "I hadn't realized the University of New Hampshire was such an outstanding place." Just as if I hadn't tried to tell them so at some length!

With, then, the hope that you will visit the University to get a complete picture of its facilities, its activities, and its problems, I should like this morning to speak first on the central philosophy of the University; second, on the service that is given the people generally by the activities of the University, and third, on the program of resident instruction on the campus.

With respect to the basic philosophy of the University, it is worth repeating that the University of New Hampshire, as one of the fifty-three Land-Grant Colleges and Universities

established under provisions of the Morrill Act of 1862, is a *people's* university, founded for the explicit purposes of providing instruction in agriculture, the mechanic arts and the liberal arts and sciences.

We have difficulty in these days, only seventy-seven years later, to realize that when the land-grant colleges were established, it was not thought to be a proper function of higher education to offer courses in practical affairs or in applied science. Moreover, there were only a few, like Thomas Jefferson, who recognized that the strength of a democracy lies in providing full educational opportunity, including higher education, for all citizens who can benefit from it. Today we are aware of the tremendous growth of knowledge about the physical world that we have achieved and likewise, and fully as important, we recognize the necessity for understanding the effect that this increased knowledge of science has on the lives of all of us.

In New Hampshire the land-grant college idea has had a particularly effective development. Since I came to the state, I have been struck by the fact that nearly everyone I have met has disclosed some relationship that he had enjoyed or was enjoying with the University. Perhaps there was a son, daughter, niece, nephew, or cousin in the student body. Perhaps he had received help from the efficient and intensive program of extension which the University supports. Whatever the nature of the relationship, I have found hardly a citizen of the State who does not feel a direct sense of relationship to the University. I rejoice that this is so, and I hope that this feeling of relationship may grow constantly in the years ahead.

With respect to my second topic, I am sure that there is general agreement that the Extension Service is a most important means of serving the people of the State. The county agricultural agents, the county home demonstration agents, and the county leaders for boys and girls work are all charged with the responsibility of giving on-the-spot assistance to any resident of the State who needs their help. Moreover, it is their function to search out new problems which confront people in their respective areas and to bring them back to the University, where research and experimental facilities are available to obtain practical and workable solutions. It is also

the function of the Extension Service to distribute the information gained by research and study in New Hampshire and information from whatever other source that may be found that will be helpful to our people. In addition to the Extension and Experiment Station work in agriculture and home economics, the University also has off-campus programs in Liberal Arts and Technology subjects. And help to the industries of the State is provided by an Engineering Experiment Station. Through these means the services of the University are made available to all the people.

But to my mind, this is not enough. We need to go further and encourage the development of a two-way relationship between the people and the University; we need to provide ways and means by which more people may visit the University and may become familiar with, and use, its campus facilities. Currently it is true that the capacity for doing this is limited. However, we look forward to some relief in this direction through the early construction of an Applied Farming Building. It will contain a farm machinery shop and a live stock judging pavilion. The latter will provide an admirable space for meetings and practical demonstrations not only for a great number of farm groups, but also for other gatherings.

With the development of this two-way relationship, I look forward to even greater achievement in the Extension Service. The activities of Extension have vastly improved agricultural production throughout the nation and have contributed much to the comfort and convenience of life in rural areas. What we need to realize more fully is that extension must be concerned not only with techniques but also with the all important fact that the farmer is more important than the farm, and that the farmer's wife is more important than the farm kitchen.

With respect to my third point—resident instruction on the campus—I feel certain that everyone will agree that this is the function of a university that we all think of first. Any higher institution worthy of the name of college or university certainly must have a competent faculty and an alert student body. It is the faculty's business to impart instruction and through research to contribute to the extension of knowledge. The imparting of instruction requires particularly the creation in the student of the desire to know, the stimulation to search

for truth. When this has been effectively accomplished, the student's intellectual growth and maturity goes on at an extraordinarily rapid rate. It was a central purpose in the establishment of the land-grant colleges and universities that the satisfaction of this desire to know be made available to everyone qualified to profit from it. This philosophy has received and will continue to receive most careful and special attention at the University of New Hampshire.

One of the first things to be thought about in making this opportunity available is the matter of admissions procedures in relation to the maintenance of proper academic standards. There is no question whatever but that the University should do everything within its power to make the opportunity it offers available to every New Hampshire boy and girl who has the ability to profit from it and who has the native ambition to extend himself to do so. I understand that the admissions procedures at the University have been a matter of some discussion. I have been told that the thought has been advanced that the standards of the University were too high. From other sources I have heard the thought expressed that some of the high schools of the State lack facilities to give proper preparation for college work. This is an old and futile argument which I have heard debated with much heat in many sections of the country. I do not support either side of it. I feel completely confident that no thoughtful person would want the University standards lowered to such a degree that it would no longer maintain the significant place it occupies among the other colleges and universities of the nation. I feel equally confident that we all recognize that among our youth there may be future great leaders who, by force of circumstances and for a variety of other reasons, do not have the opportunity of obtaining the preparation necessary to do effective college work. It seems to me that it is the function of the University to bridge this gap. We have many small rural high schools and preparatory schools in this State which simply do not have the resources to provide complete facilities for laboratory work in physics, chemistry or biology. Are their graduates, then, to be denied the opportunity of attending the University? Certainly not! The University should provide the means by which they can amplify their preparation so that they can go on and realize their educational ambitions. We are planning to offer in the

coming Summer School a number of high school courses which we hope will be taken by those high school graduates who have not had a chance to obtain such work previously. We have developed an extensive high school testing and counseling program which I think will be helpful in pointing out to the individual student what he needs to do in order to prepare himself for University work. We aim to continue and to strengthen these activities in every possible way.

I now want to say a word about the actual admissions procedures which, in the light of my experience with more than a hundred other institutions, seem to me to be especially well conceived. The catalogue states that applicants for admission must have a scholastic record ranking in the upper two-fifths of the graduating class in order to be eligible for admission without examination. I want to stress particularly those last two words—without examination—because I have the feeling that a number of people have the idea that the University will admit *only* those who are in the upper two-fifths of their graduating class. This would be most inequitable because if a graduating class had only ten students in it, as might be the case in a number of high schools, only four of the graduates could look forward to admission to the University. It is entirely conceivable that six or eight of them might be qualified. In order to give full opportunity to all, the University offers the possibility of taking an entrance examination to qualify for admission. Last year 117 New Hampshire students were admitted by this means. The point is that neither the application of a rule requiring entrance examinations of all, nor a rule admitting only a specified top percentage of the graduating class is alone a satisfactory answer to the admissions question. The best answer to the problem is a combination of the two procedures and a growing number of the forward-looking institutions of the country use just this combination.

The reason for having admissions requirements rather than admitting every high school graduate is that it is unfair to the boy or girl who has not had the preparation to put him in competition with those who have. He is almost certain to fail with resultant disappointment to him and to his parents and actual loss of effective service on the part of the University. No one wants to put a young person in a position in which he is likely to fail. At the same time every boy and girl

should have full opportunity to go as far as his talents and ambition warrant. It seems to me, as I said before, that the University must provide the means for strengthening the preparation of candidates so that they are likely to succeed.

Not only in admissions procedure but throughout the student's stay at the University we hope to give more and more attention to providing for the individual's needs. A considerable amount of support has been given during the past year to the student counseling service and it may well be that it will prove desirable to give further support to this important activity. Students who for the first time are living away from home are bound to have problems of adjustment. Through the counseling service they are given help in finding satisfactory answers to their problems. Also, there is always the case of the student who does not realize his full potentialities in his academic work. He needs to be counseled, encouraged, and stimulated to make the best possible use of his talents. In all of these activities, I wish to stress the fact that the University is concerned with the intellectual, physical, and moral welfare of every individual.

Another example of the way the University seeks to help its students, after admission, to take full advantage of their opportunities is the work which has been offered during the past two years in remedial writing, speech, and reading in a course called English A. This past year we had 195 freshmen in this course and the result of their work has been most encouraging.

Finally, we seek to inculcate in every student some notion of his responsibility to society. I think we have had too much the notion that educational opportunity is a means to a fatter pocketbook or a whiter collar. We must be more concerned with making it clear to those who enjoy educational opportunities that along with the opportunity they assume the *responsibilities* of potential leadership. In order to be a fully effective member of society, the citizen who has had educational opportunities must realize that it is up to him to accept his social, political, and economic responsibilities as a fully participating citizen in the same way that he recognizes so clearly his professional and business responsibilities. We all know that today the philosophy of democracy and freedom is being challenged by the philosophy of statism and dictatorship. What we some-



times seem to forget is that, in order to enjoy the blessings of freedom, we must accept full and individual responsibility for the preservation of that freedom. We must be scrupulous to insure full opportunity to every individual to assist him in every possible way to develop his talents in order that he may make his full contribution to our State and country. This is the prime responsibility of education and especially higher education.. The University of New Hampshire recognizes this responsibility and accepts it gladly.

On motion of Senator Hayes of District No. 1 the convention rose.

## House

### Leaves of Absence

Messrs. Kennedy of Manchester and Thompson of New Ipswich were granted leave of absence for the day on account of illness.

Mrs. McPhail of Manchester was granted leave of absence for the day on account of illness in family.

Mr. Jones of Rochester was granted leave of absence for the week on account of important business.

Messrs. Williams of Washington, Downing of Newport and Elliott of Milford were granted leave of absence for the week on account of illness.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Bill No. 491, An act establishing an official gauge for measuring the water levels of Lake Winnepesaukee. To the Committee on Forestry and Recreation.

By the Committee on Rules, House Bill No. 492, An act relating to the salaries of the Clerks of the House of Representatives and Senate and their Assistant Clerks. To the Committee on Appropriations.

### Committee Reports

Mr. Ferguson of Pittsfield, for the Committee on Ways and Means, to whom was referred House Bill No. 290, An act establishing a state revenue-raising pool, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Ways and Means, to whom was referred House Bill No. 290, An act establishing a state revenue-raising pool, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

CHARLES R. THOMAS,

DANIEL J. HEALY,

*A Minority of the Committee.*

Mr. Jones of Lebanon moved to substitute the report of the minority "ought to pass" for the report of the majority "inexpedient to legislate" and with that motion pending the bill and reports be laid upon the table and made a special order for Wednesday, April 13, at 11:01 o'clock.

The question being on the motion.

(Discussion ensued)

Mr. Jones of Lebanon spoke in favor of the motion.

Mr. Ferguson of Pittsfield spoke against the motion.

Mr. Ferguson of Pittsfield moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Ferguson of Pittsfield, Dwinell of Lebanon, Malley of Somersworth, Black of Bennington and Turner of Keene spoke in favor of the motion.

Messrs. Pickett of Keene, Lea of Pembroke and Geisel of Manchester spoke against the motion.

Mr. Geisel of Manchester offered the following resolution:

*Resolved*, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following question of law: Do the provisions of House Bill No. 290,

An act establishing a state revenue-raising pool, violate any provisions of the constitution of New Hampshire?

*Further Resolved*, That the Speaker of the House present a copy of this resolution and of House Bill No. 290 to the Clerk of the Supreme Court for consideration by said Court.

The Speaker ruled the resolution out of order.

Mr. Angus of Claremont moved that the bill and accompanying reports be laid upon the table.

On a *viva voce* vote the motion did not prevail.

Mr. Geisel of Manchester asked for a division.

A division being had, 159 members having voted in the affirmative and 159 members having voted in the negative and there being a tie vote, the Speaker voted in the negative and the motion to lay the bill upon the table did not prevail.

Mr. Geisel of Manchester demanded the yeas and nays and the roll was called with the following result:

### Yeas, 176

HILLSBOROUGH COUNTY: French, Farwell, Spaulding of Hudson, Daniels of Manchester, Danforth, Geisel, Sawyer of Manchester, Connor of Manchester, Dwyer, Martel, Sweeney, Fitzgerald, Kean, Nolan, Betley, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of Manchester, Casey, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Zyla, Leclerc, O'Connor, Sullivan of Manchester, Ward 7, Delisle, Kane, Roy of Manchester, Simard, Cary, Gagnon of Manchester, Auger, Getz, Roche, Roukey, April, Laflamme of Manchester, Lareau, Vaillancourt, Chapdelaine, Daniel of Manchester, Gagnon of Manchester, Gauthier, Thibodeau of Manchester, Cannon, Donnelly, Wedick, Falconer, Fletcher, Boire, Landry, Belcourt, Brosnahan, Spaulding of Nashua, Chasse, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Grandmaison, Janelle, Velishka, Barry.

CHESHIRE COUNTY: Ring, Thomas, Amadon, Pickett, Zimmerman, Forbes, Lang, Killeen.

SULLIVAN COUNTY: Angus, Converse of Claremont, Hutchins, Simms, Stetson, Riley, Walker of Grantham.

GRAFTON COUNTY: Chamberlin of Bath, Whittier, Eggleston, Sommers, Oakes, Jones of Lebanon, Collins, Dusik, Barney, Anderson.

COOS COUNTY: Dussault, Hinchey, Moffett, Desilets, Henderson of Berlin, Bartlett, Brungot, Christiansen, Bouchard, Fontaine, Gagnon of Berlin, Roy of Berlin, Fraser, Kimball, Moses, Johnson of Milan, Baxter, Potter, Converse of Pittsburg, Phelan, Hinman.

ROCKINGHAM COUNTY: Heon, Sanborn of Fremont, Labranche of Newmarket, Sewall, Alessi, Durell, Foote, Yeaton, Hobbs, Leary, Ingraham of Portsmouth, Bluitte, Durkee.

STRAFFORD COUNTY: Redden, Stackpole, Gouin, Grimes, Marcotte, Crandall, Dodge, Flanagan, Webster, Horne, Rolfe, Cartier of Rochester, St. Pierre, Lacasse, Fernald, Leach, Lagueux, Latourneau, Cater of Somersworth.

BELKNAP COUNTY: Simoneau, Shannon, Thompson of Laconia, Brown of Laconia.

CARROLL COUNTY: Downs, Lucy, MacGown.

MERRIMACK COUNTY: Couture, Nicoll, Marden. Coakley, Ferrin, Colbath, Corbett, Saltmarsh, Nawn, Sawyer of Concord, Sargent, Chase, Burke, LaBranche of Franklin, Douphinette, Lorden, Dudevoir, Mullaie, Spiller, Lea, Holmes of Salisbury.

### Nays, 183

HILLSBOROUGH COUNTY: Tracy, Wilson, Black, Ellsworth, Jones of Francestown, Reed of Goffstown, Tirrell, Adams of Greenfield, Doonan, English, Boynton, Goodwin of Hollis, Corliss, Peaslee of Merrimack, Wadleigh, Atherton, Cooper, Ramsdell, Shedd, Bigelow, Cummings of Peterborough, Myhaver, Osborne.

CHESHIRE COUNTY: Dort, Miller, Walker of Hinsdale, Spofford, Perry of Jaffrey, Aldrich, Landers, Darling, Turner, Hall, Tolman, Andrews, Sherwin, Blake, Kershaw, Rhodes, Billings, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Perkins, Bissonnett, White, Baron, Tewksbury, Nelson, Holmes of Langdon, Wirkkala, Cummings

of Newport, Farmer, Rowell, Read of Plainfield, Gardner of Springfield, Russell, Callum.

GRAFTON COUNTY: Wadhams, Brown of Ashland, Wheeler, Willey, Dunbar, Grass, Williams of Grafton, Atkins, Fuller, Holden, Chamberlin of Haverhill, Clough, Perry of Haverhill, Adams of Lebanon, Ashley, Cole, Dwinell, Hamilton, Gardner of Littleton, Kelley of Littleton, Orr, Pushee, Roberts, Bell, Loizeaux, Sawyer of Woodstock.

COOS COUNTY: Mason, Lazure, Currier, Gould, Falkenham, Hamlin of Dummer, Evans of Lancaster, Baker, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Persson, Hazelton, Fitch, Clark, Corson, Hepworth, Eldredge, Elwell, Rathbone, Richards, Weeks of Greenland, Root, Merrill, Underwood, Stevens, Parmenter, Carter of North Hampton, Johnson of Northwood, Colcord, Dondero, Payette, Laraba, Philbrick, Haigh, Peever, True, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Felker, Smalley, Stocklan, Henderson of Durham, Parker, Wormhood, Dustin, Studley, Green of Rollinsford, Malley, Brown of Strafford.

BELKNAP COUNTY: Perkins of Alton, McAllister, Dearborn, Obert, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Normandin, Tilton of Laconia, Ewing, Ransom, Smith of Meredith, Smith of New Hampton, Atwood.

CARROLL COUNTY: Washburn, Hill, Thompson of Effingham, Wild, Banfield, Wiggin, Knox, Remick, Hodgdon, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Hardy, Moore, Rancour, Besse, Suosso, Hurd, Nash, Tilton of Concord, Buntin, Greene of Concord, Roby, Blodgett, Towle, Connor of Henniker, Kenney, Carr, Ferguson, Stapleton, Yerxa, Savory, Stebbins.

### Pairs

Mr. Kennedy of Manchester voting Yes; paired with Mr. Pillsbury of Manchester voting No.

Mr. Ellingwood of Northumberland voting No; paired with Mr. Coffin of Somersworth voting Yes.

And the motion to lay the bill upon the table did not prevail.

The question being on the motion to indefinitely postpone the bill.

On a *viva voce* vote the Chair was in doubt.

Mr. Scammon of Stratham asked for a division.

A division being had, 188 members having voted in the affirmative and 160 members having voted in the negative, the motion prevailed and the bill and accompanying reports was indefinitely postponed.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time.

On motion of Mr. Angus of Claremont at 2:15 o'clock the House adjourned.

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WEDNESDAY, MARCH 30, 1949

The House met according to adjournment.

Prayer was offered by the Rev. Edmond F. Quirk of St. Peter's Church, Concord.

Almighty God, we ask Thee to bless the deliberation and acts of these men and women, into whose care the guidance of our state has been confided.

We ask that they be ever conscious of the trust reposed in them by their fellow citizens—that the duties they have assumed may be discharged in a spirit of responsibility to their state, and to Thee, Author and Source of all power and authority.

O Lord God Almighty, who has brought us safely to the beginning of this day, defend us herein by Thy power that this day we may fall into no sin, but that all our thoughts, words and deeds may always tend to what is just in Thy sight . . . Through Christ Our Lord. Amen.

### Leaves of Absence

Mr. Stebbins of Webster was granted leave of absence for the day on account of attending a funeral.

Mrs. McPhail of Manchester was granted leave of absence for the day on account of illness.

Mr. Thompson of Effingham was granted leave of absence for Wednesday and Thursday on account of important business.

### Introduction of Bill

The following bill was introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Fuller of Hanover, House Bill No. 493, An act to provide state aid for schools. To the Committee on Education.

### Recalled from Governor

Mr. Ashley of Lebanon moved that House Bill No. 369, An act relative to service exemption for war veterans, be recalled from the governor.

The question being on the motion.

(Discussion ensued)

Mr. Ashley of Lebanon spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. Ashley further moved that the rules of the House be suspended and the vote whereby the House concurred in the adoption of the amendment sent down by the Honorable Senate be reconsidered.

On a *viva voce* vote the motion prevailed.

Mr. Ashley also moved that the House reconsider the vote whereby it voted to concur in the adoption of the amendment sent down by the Honorable Senate and that a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed.

The Speaker appointed as members on such committee, Messrs. Ashley of Lebanon, Eldredge of Exeter and Gagnon of Manchester.

### Committee Reports

Mrs. Studley of Rochester, for the Committee on Public Health, to whom was referred House Bill No. 98, An act providing for the classification of certain surface waters, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Committee on Public Health, to whom was referred House Bill No. 98, An act providing for the classification of certain surface waters, having considered the same, and being unable to agree with the majority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out paragraph XXXII.

JAMES E. COLLINS,  
JENNIE FONTAINE,  
GEORGE L. EGGLESTON,  
MARGARET E. DUSTIN,  
*A Minority of the Committee.*

The reports were accepted.

Mr. Collins of Lisbon moved to substitute the report of the minority "ought to pass with amendment" for the report of the majority "ought to pass."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Jones of Lebanon spoke in favor of the motion.

Mr. Besse of Concord offered the following amendment to the amendment offered by the minority of the committee:

Amend the amendment by striking out the same and inserting in place thereof the following:

XXII. Ammonoosuc River and its tributaries, in the towns and places of Bethlehem, Carroll, Low and Burbank's Grant, Thompson and Meserve's Purchase, Chandler's Purchase, Bean's Grant, Sargent's Purchase, Crawford's Purchase, Nash and Sawyer's Location and New Hampshire State Forest Reserve, except those portions given in paragraphs XXX and XXXI, from their sources to the down stream side of Pierce Bridge in the town of Bethlehem, Class B-1; provided however, that this paragraph only shall not take effect until 10 years subsequent to the effective date of the remainder of the act, notwithstanding the provisions of Section 2. It is the



intention hereunder to afford a 10 year period for compliance with the classification established by this paragraph.

The question being on the amendment to the amendment.

(Discussion ensued)

Messrs. Besse of Concord, Eggleston of Canaan, Fernald of Rochester, Zimmerman and Turner of Keene, Bellerose of Pembroke, and Mrs. Studley of Rochester, spoke in favor of the question.

Messrs. Pillsbury of Manchester, Evans of Lancaster, Chamberlin of Bath and Rowell of Newport, spoke against the question.

Mr. Hart of Wolfeboro moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment to the amendment.

Mr. Pillsbury of Manchester asked for a division.

A division being had, 120 members having voted in the affirmative, and 189 members having voted in the negative, the amendment to the amendment was not adopted.

The question being on the motion to substitute.

(Discussion ensued)

Mr. Pickett of Keene spoke against the motion.

On a *viva voce* vote the motion to substitute the report of the minority "ought to pass with amendment" for the report of the majority "ought to pass" prevailed.

The amendment was adopted, and the bill ordered to a third reading.

Mr. Spaulding of Hudson moved that the rules be suspended, and the bill be put upon its third reading and final passage by title, at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Spaulding of Hudson moved that the House reconsider its vote whereby it passed House Bill No. 98.

On a *viva voce* vote the motion did not prevail.

Mr. Paquette of Nashua, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 469, An act relative to revision of public laws, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Fecteau of Epping, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 470, An act relative to closing polls at elections, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Hill of Conway, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 471, An act relative to errors in counting ballots, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Carter of North Hampton, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 38, An act pertaining to burning property, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Desilets of Berlin, for the Committee on Municipal and County Government, to whom was referred House Bill No. 208, An act relative to term of office of city engineer, highway commissioner and sewer commissioner, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Mason of Berlin, for the Committee on Judiciary, to whom was referred Senate Bill No. 3, An act relating to commitment to veterans' administration, reported the same with the amendment as printed in the Journal of March 24, on pages 7, 8, and 9, and the recommendation that the bill as amended ought to pass.

The report was accepted, and the amendment adopted, and the bill ordered to a third reading.

### Special Order

Mr. Sullivan of Manchester, Ward 6, moved that the order whereby House Bill No. 466, was made a special order for Wednesday, March 30 at 11:01 o'clock, be rescinded, and the bill made a special order for Thursday, March 31 at 11:01 o'clock.

On a *viva voce* vote the motion prevailed.

Mr. Myhaver of Peterborough moved that the order whereby House Bill No. 298, was made a special order for Wednesday, March 30 at 11:02 o'clock, be rescinded, and the bill made a special order for Thursday, March 31 at 11:02 o'clock.

On a *viva voce* vote the motion prevailed.

Mr. Daniels of Manchester offered the following resolution:

*Whereas*, We have learned with sorrow of the passing of Charles V. Kimball, former Representative from Manchester for five sessions and member of the Finance Commission of the city of Manchester, therefore be it

*Resolved*, That we extend our heartfelt sympathy to the family of our former fellow member, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to the bereaved family.

On a *viva voce* vote the resolution was adopted.

### Recorded Voting

Mr. Daniel of Manchester, Ward 13, was omitted as voting on the roll call of House Bill No. 290, and desired to be recorded as voting "yes" on the question.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in

Mr. Paquette of Nashua, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 50, An act legalizing the proceedings at the school meeting in the town of Hudson held on March 5, 1949, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Fontaine of Berlin, for the Committee on Public Health, to whom was referred House Bill No. 269, An act relative to term of office of the city health officer and milk inspector, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Studley of Rochester, for the Committee on Public Health, to whom was referred House Bill No. 426, An act relative to persons handling food in public places, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Connor of Henniker, for the Merrimack County Delegation, to whom was referred House Bill No. 368, An act relative to salary of deputy register of probate for Merrimack county, reported the same with the recommendation that the bill be referred to the Committee on Municipal and County Government.

The report was accepted, and the recommendation of the committee adopted.

Mr. Connor of Henniker, for Merrimack County Delegation, to whom was referred House Bill No. 463, An act relative to the salary of the commissioners of the county of Merrimack, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

order at the present time, and bills to be read by their titles only.

### Third Readings

Senate Bill No. 3, An act relating to commitment to veterans' administration.

Read a third time and passed, and sent to the Senate for concurrence in the amendment.

Senate Bill No. 50, An act legalizing the proceedings of the school meeting in the town of Hudson held on March 5, 1949.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Ecker of Manchester at 1:40 o'clock the House adjourned.

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### THURSDAY, MARCH 31, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty God, who alone canst keep alive in us the holy desires Thou dost impart; We beseech Thee for Thy compassion's sake, to sanctify all our thoughts and endeavors; that we may neither begin an action without a pure intention nor continue it without Thy blessing. And grant that, having the eyes of the mind opened to behold things invisible and unseen, we may in heart be inspired by Thy wisdom, and in work be upheld by Thy strength, and in the end be accepted of Thee as Thy faithful servants; through Jesus Christ our Lord. Amen.

### Leave of Absence

Mr. Peever of Salem was granted leave of absence for the day on account of important business.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 494, An act relative to non-resident students at the University of New Hampshire. To the Committee on Education.

By the Committee on Rules, House Bill No. 495, An act relating to the appointment of a special consultant to the Highway Commissioner. To the Committee on Public Works.

By the Committee on Rules, House Bill No. 496, An act relating to the appointment of Assistant Highway Commissioners and a Chief Engineer. To the Committee on Public Works.

By the Committee on Rules, House Bill No. 497, An act establishing a New England Development Authority. To the Committee on Judiciary.

### Committee Reports

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 454, An act relative to workmen's compensation, (exempting religious or charitable organizations and providing for revocation of financial acceptances), reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act providing for revocation of acceptance of workmen's compensation in certain cases.

Amend section 1 of said bill by striking out the same.

Further amend said bill by striking out section 2 and renumbering and inserting in place thereof the following:

1. *Workmen's Compensation.* Amend chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting after section 3 the following new section: 3-a. *Revocation.* Any employer of less than five persons or of farm labor or domestic servants or any county, city, town, school district, or any other district established by law, may revoke their acceptance of the provisions of this chapter by filing a revocation with the labor commissioner which shall be

effective thirty days after such filing and must post a notice of such revocation in a conspicuous place on his premises.

Further amend said bill by renumbering section 3 to read section 2.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 455, An act relative to workmen's compensation, (clarifying liability of third person), reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 457, An act relative to workmen's compensation, (clarifying financial responsibility and the payment of compensation), reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1. *Workmen's Compensation.* Amend section 8 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out in the sixth line the word, "commission" and inserting in place thereof the word, commissioner; further amend said section by striking out in the seventh and eighth lines the words, "notice of such insurance, together with a copy of policy declarations," and inserting in place thereof the words, such evidence of such coverage as he may determine, so that said section as amended shall read as follows:

8. *Securing Compensation.* Employers subject to this chapter shall secure compensation to their employees in one of the following ways: I. By insuring and keep insured, the payment of such compensation with a company licensed to write workmen's compensation in the state and filing with the commissioner of labor, in a form prescribed by him, such evidence of such coverage as he may determine.

II. By furnishing to the commissioner of labor satisfactory proof of financial ability to pay direct the compensa-

tion in the amounts and manner and when due as herein provided.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 458, An act relative to workmen's compensation, (bringing contractors or sub-contractors under the act), reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 459, An act relative to workmen's compensation, (providing for an increase in the amount of weekly compensation), reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 460, An act relating to workmen's compensation, (extension of insurance coverage), reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Moore of Bradford, for the Committee on Public Works, to whom was referred Senate Bill No. 32, An act naming the Horace Greeley highway, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Durell of Portsmouth, for the Committee on Public Works, to whom was referred House Bill No. 282, An act creating a New Hampshire Port Authority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of the bill by striking out the same and inserting in place thereof the following:



An act for aid in the development of the Port of Portsmouth.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Planning and Development Commission.* Amend chapter 27 of the Revised Laws by inserting after section 43 the following new section: 43-a. *Port of Portsmouth.* The commission is authorized and directed to appoint an advisory committee of five persons to work with and assist the commission in establishing plans for the development of the Port of Portsmouth along lines consistent with clear economic trends. Two of the members of said advisory committee shall be residents of the city of Portsmouth and three members shall be residents of the seacoast area.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Callum of Unity, for the Committee on Public Works, to whom was referred House Bill No. 288, An act relative to the reclassification of a certain road in the town of Dummer, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Horne of Milton, for the Committee on Public Works, to whom was referred House Bill No. 442, An act relative to allotments of funds to towns for the maintenance of classified highways, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Blake of Swanzey, for the Committee on Public Works, to whom was referred House Bill No. 474, An act relative to state bridge aid, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

Mrs. Forbes of Marlow, for the Committee on Public Welfare and State Institutions, to whom was referred Senate Bill No. 33, An act relative to the board of parole, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill referred to the Committee on Appropriations under the rules.

Mrs. Williams of Grafton, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 449, An act relative to the emotionally or mentally ill, reported the same with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, and the recommendation of the committee adopted.

### **Taken from Table**

Mr. Ferguson of Pittsfield moved that House Bill No. 311, An act relating to supervisory unions, be taken from the table.

The question being on the amendment as amended.

On a *viva voce* vote the amendment to the amendment was adopted.

The question being on the amendment as amended.

(Discussion ensued)

Mr. Ferguson of Pittsfield spoke in favor of the amendment.

On a *viva voce* vote the bill as amended was adopted, and the bill ordered to a third reading.

### **Recorded Voting**

Mrs. McPhail of Manchester stated she was unavoidably detained yesterday on the roll call on House Bill No. 290, and had she been present she would have voted Yes on the question.

### **Special Orders**

Mr. Sullivan of Manchester, Ward 6, called for the special order, it being House Bill No. 466, An act relative to legal length of motor busses.

The question being on the resolution of the committee, inexpedient to legislate.

Mr. Sullivan of Manchester, Ward 6, moved to substitute the words "ought to pass" for the resolution of the committee, inexpedient to legislate.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Sullivan of Manchester, Ward 6, Scammon of Stratham, Rathbone of Exeter, and Lea of Pembroke, and Mrs. Cooper of Nashua, spoke in favor of the motion.

Mr. Myhaver of Peterborough and Mrs. Dondero of Portsmouth spoke against the motion.

Mr. Barry of Wilton moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the words "ought to pass" for the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the motion to substitute prevailed, and the bill was ordered to a third reading.

Mr. Sullivan of Manchester, Ward 6, moved that the rules be suspended, and the bill be put upon its third reading, by title, and final passage at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Angus of Claremont moved that the vote whereby the House passed House Bill No. 446 be reconsidered.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Stapleton of Pittsfield called for the special order, it being, House Bill No. 298, An act relating to the New Hampshire Motor Carrier Act.

The question being on the report of the majority, ought to pass in new draft, and the report of the minority, inexpedient to legislate.

Mr. Marden of Chichester moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass in new draft.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Marden of Pittsfield and Pickett of Keene, spoke in favor of the motion.

Messrs. Myhaver of Peterborough, Pillsbury and Geisel of Manchester, Johnson of Northwood, Sanborn of Wakefield and Ferguson of Pittsfield, and Mrs. Brungot of Berlin, spoke against the motion.

Mr. Donnelly of Manchester moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the report of the minority for the report of the majority.

On a *viva voce* vote the motion did not prevail.

Mr. Marden of Chichester asked for a division.

A division being called for the Speaker declared the vote manifestly in the negative, and the motion to substitute did not prevail.

The question being on the report of the majority of the committee, ought to pass.

On a *viva voce* vote the motion prevailed, and the bill was ordered to a third reading.

Mr. Pillsbury of Manchester moved that the rules be suspended, and the bill be put upon its third reading, by title, and final passage, at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Pillsbury of Manchester moved that the House reconsider its vote whereby it passed House Bill No. 298.

On a *viva voce* vote the motion to reconsider did not prevail.

### Concurrent Resolution

Mr. Corbett of Concord offered the following concurrent resolution:

*Resolved*, by the House of Representatives, the Senate concurring, that the General Court of New Hampshire urges Congress to enact Senate Bill No. 102, entitled an act to amend the Public Health Service Act to provide for research and investigation with respect to the cause, prevention and treatment of multiple sclerosis and related neurological diseases and for other purposes, now pending in the United States Senate, as introduced by Senator Charles W. Tobey of New Hampshire.

*Further Resolved*, That the Secretary of State transmit certified copies of this resolution to the Senators and Representatives of New Hampshire in the Congress.

The concurrent resolution was referred to the Committee on Public Health.

### **Engrossed Bills Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that they had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 35, An act relative to registration of motor vehicles.

House Bill No. 1, An act relative to operation of motor vehicles when approaching school busses, school bus signs and stop signals.

House Bill No. 3, An act relative to the practice of optometry.

House Bill No. 169, An act relating to voluntary commitment of patients to the state hospital.

House Bill No. 177, An act relating to zoning in towns.

House Bill No. 350, An act relating to changing the name of Long Pond in Hollis.

House Bill No. 358, An act providing for a cost of living bonus for state employees.

House Bill No. 372, An act designating Route No. 4 and the new toll road connecting Route No. 1 in Maine with Route No. 1 in Massachusetts as the Blue Star Memorial Highway.

The report was accepted.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 29, An act in relation to notice of petitions for right to appeal from decrees of

probate courts, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by inserting the words "at least" in the fifth line before the word, thirty.

On motion of Mr. Wadleigh of Milford the House concurred by the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 140, An act relative to guaranty to dealer relative to original packages of foods, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out said title and inserting in place thereof the following:

An act providing for guaranty to dealer relative to original packages of foods.

On motion of Mr. Besse of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 249, An act relative to mileage allowance for members of the Legislature.

Amend section 4 of said bill by striking out the last three lines and inserting in place thereof the following: additional mileage for the period from January 1 to the date of the approval of this act unless the committee on mileage shall be satisfied as to his actual attendance during said period.

On motion of Mr. Jones of Lebanon the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 370, An act relative to insurance rating organizations.

Amend section 1 of said bill by inserting before the word "chapter" in the eighth line the words and figures, chapter 329-A of the Revised Laws as inserted by.

On motion of Mr. Elwell of Exeter the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 410, An act changing the name of People's Building and Loan Association of Rochester to People's Co-Operative Savings Bank of Rochester.

Amend the title of the bill by striking out the word "Savings."

On motion of Mr. Doonan of Greenville the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and Journals.

Amend section 1 of said bill by striking out the first six lines and inserting in place thereof the following:

1. *Legislature.* Amend section 26, chapter 9, Revised Laws, by striking out said section and inserting in place thereof the following: 26. *Proposed Bills.* Any senator-elect or representative-elect, on and after December first, may file with the Secretary of State such bills as he desires to introduce. The Secretary of State, at some convenient time during the month of November, shall notify each senator-elect and representative-elect of the provisions

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 120, An act relating to investments of trustees.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made.

Amend section 1 of the bill by adding the following new sub-section: (d) If requested in writing by anyone interested in any logs, lumber or pulpwood on which there is a lien as provided in this section, such lienor shall give in writing and under oath to such interested party so requesting within fifteen days, an account, up to the date of the giving thereof, of all advances claimed to be secured by said lien and on failure to furnish such account as herein provided said lien shall be voided as against the party making said request. Mailing said account by registered mail postpaid to the party making the request shall be deemed full compliance with this provision.

Mr. Hinman of Stratford moved that the House non-concur in the amendment and asked that a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed.

The Speaker appointed as members on such committee, Messrs. Hinman of Stratford and Pickett of Keene and Mrs. Wild of Jackson.

House Bill No. 259, An act relative to taking salmon aureolus in Lake Sunapee.

Amend said bill by striking out sections 1 and 2 and inserting in place thereof the following:

1. *Aureolus and Salmon.* Aureolus and salmon may be taken from Sunapee Lake from April first to May first by trolling only, may be taken from said lake from May first to August thirty-first in usual legal manner and during the month of September by the use of artificial flies only.



2. *Application of Statutes.* Such parts of sections 4, 7, 9 and 22 of chapter 245 of the Revised Laws as amended by regulations adopted by the director of the fish and game as may be inconsistent with this act are hereby repealed to the extent of such inconsistencies. Except as otherwise provided herein all laws relative to taking salmon and aureolus under the provisions of the fish and game laws shall apply to the taking of salmon and aureolus from Lake Sunapee hereunder.

On motion of Mr. Fernald of Rochester the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 253, An act relating to parking of motor vehicles.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Motor Vehicles.* Amend section 26 of chapter 119 of the Revised Laws by striking out said section and inserting in place thereof the following: 26. *Parking.* No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any highway outside of a business or residence district or compact section except as hereinafter provided:

I. When the vehicle is so disabled that it must be temporarily left in such position.

II. When a law enforcement officer shall order the person to stop or leave his vehicle on said highway.

III. When the vehicle with no more than two wheels upon said paved or improved portion of the highway is left standing temporarily thereon for the purpose of leaving or taking on passengers or for necessary loading or unloading or for making necessary minor repairs to the vehicle.

IV. On a class V highway when it is not practicable to park or leave such vehicle standing off that portion of such highway, provided that in no event shall any person so park or leave standing any vehicle on said highway unless a clear view thereof may be obtained from a distance of two hundred feet in each direction and unless a clear and unobstructed way of

not less than ten feet upon the main traveled portion of said highway shall be left for free passage of other vehicles.

On motion of Mr. Myhaver of Peterborough the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 378, An act relating to binder chains on loads of logs, lumber and timber.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Motor Trucks, Trailers.* Amend chapter 119 of the Revised Laws by inserting after section 38 the following new section: 38-a. *Binder Chains.* No motor trucks, trailer or semi-trailer while being used to transport a load of logs, lumber or timber, the height of which with load is greater than eight feet and the length of which is greater than eight feet shall be operated on the highways of this state unless each such load on each such unit is bound by three chains and binders, said chains made of not less than three-eighths inch wire, and unless said chains and binders are held firmly in place and are properly spaced to secure the load.

On motion of Mr. Myhaver of Peterborough the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable liquids.

Amend section 1 of the bill by striking out the whole of said section and inserting in place thereof the following:

1. *Motor Vehicle Operation.* Amend chapter 119 of the Revised Laws by inserting after section 48 the following new section: 48-a. *Inflammable Liquids.* Every motor vehicle used for the transportation of inflammable liquids in cargo tanks whether loaded or empty, shall, upon approaching any railroad grade crossing, be brought to a full stop not more than fifty feet and not less than ten feet from the nearest rail of such grade crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear. Any per-

son convicted of a violation of any provision of this section, shall be fined not more than twenty-five dollars for the first offense and not more than one hundred dollars for any subsequent offense committed during any calendar year, and for such conviction hereunder the commissioner may revoke his license to operate a motor vehicle and no new license shall be issued to such person for at least ninety days after the date of such revocation.

Amend the title of the bill by inserting after the word "vehicle," the words, used in, so that said title as amended shall read: An act relative to the operation of a motor vehicle used in transporting inflammable liquids.

On motion of Mr. Myhaver of Peterborough the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 227, An act relating to the practice of embalming and funeral directing.

Amend section 13 of the bill by adding at the end thereof the following sentence, Provided, however, that a one year apprenticeship only shall be required of any person now registered as an apprentice or now attending an embalming school as aforesaid—so that said section as amended shall read as follows:

13. *Embalmers.* No person shall embalm dead human bodies or engage or hold himself out as engaged in embalming whether on his own behalf or in the employ of another, unless he shall be at least twenty-one years of age, a citizen of the United States, be of good moral character, shall hold a diploma or certificate showing completion of a high school course or its equivalent, shall have completed a two-year course in apprenticeship under the supervision and instruction of a duly registered embalmer actively engaged in embalming in this state and shall have completed a full course of instruction in an embalming school maintaining at that time a standard satisfactory to the board, and pass such examinations as the board may deem proper to ascertain his efficiency and qualifications to engage in embalming, and obtain a certificate of registration from the board to that effect. Provided, however, that a one year apprenticeship only shall be required of any

person now registered as an apprentice or now attending an embalming school as aforesaid.

On motion of Mr. Simoneau of Laconia the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendment to the following entitled bill:

Senate Bill No. 24, An act relating to claims and liens against estates.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 1 (in new draft and new title), An act relative to operation of automobiles when approaching school busses, school bus signs and stop signals.

House Bill No. 249, An act relative to mileage allowance for members of the Legislature.

House Bill No. 370, An act relative to insurance rating organizations.

House Bill No. 410, An act changing the name of Peoples' Building and Loan Association of Rochester to Peoples' Co-operative Savings Bank of Rochester.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 40, An act relating to fees for returns of vital statistics.

House Bill No. 156, An act relating to the dimming of lights on motor vehicles.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 51, An act relative to the licensing of practical nurses.

Senate Bill No. 53, An act relative to limitation on amount of fraternal benefit society payments.

Senate Bill No. 60, An act relating to the change of name of the Hampton Co-Operative Building and Loan Association.

### **Senate Bills Read and Referred**

Senate Bill No. 51, An act relative to the licensing of practical nurses.

Read a first and second time and referred to the Committee on Public Health.

Senate Bill No. 53, An act relative to limitation on amount of fraternal benefit society payments.

Senate Bill No. 60, An act relating to the change of name of the Hampton Co-Operative Building and Loan Association.

Severally read a first and second time and referred to the Committee on Banks.

The message also announced that the Senate had passed the following joint resolution, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates.

### **Senate Joint Resolution Read and Referred**

Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates.

Read a first and second time and referred to the Committee on Public Welfare and State Institutions.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and bills to be read by their titles only, and when the House adjourns this morning it adjourns to meet Tuesday at 11:00 o'clock.

### **Third Readings**

House Bill No. 282, An act for aid in the development of the Port of Portsmouth.

House Bill No. 311, An act relating to supervisory unions.

House Bill No. 442, An act relative to allotments of funds to towns for the maintenance of classified highways.

House Bill No. 454, An act providing for revocation of acceptance of workmen's compensation in certain cases.

House Bill No. 445, An act relative to workmen's compensation. (Clarifying liability of third person.)

House Bill No. 457, An act relative to workmen's compensation. (Clarifying financial responsibility and the payment of compensation.)

House Bill No. 459, An act relative to workmen's compensation. (Providing for an increase in the amount of weekly compensation.)

House Bill No. 460, An act relating to workmen's compensation. (Extension of insurance coverage.)

Severally read a third time, and passed, and sent to the Senate for concurrence.

Senate Bill No. 32, An act naming the Horace Greeley highway.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Sullivan of Manchester at 1:05 o'clock the House adjourned.

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TUESDAY, APRIL 5, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty God, Ruler of all the peoples of the earth, whose statutes are good and gracious and whose law is truth; we humbly beseech Thee, as for all men everywhere, so especially for the representatives of the United Nations, now assembled in Thy presence; that Thou wouldst be pleased to direct and prosper all their consultations, to the advancement of Thy glory, the safety, welfare, and security of Thy people of every race and nation, and the good of Thy church. Guide, we beseech thee, the nations of the world into the way of justice and truth, and establish among them that peace which is the fruit of righteousness, that they may become the Kingdom of our Lord and Saviour, Jesus Christ. Amen.

### Leaves of Absence

Mr. Parker of Farmington was granted leave of absence for the day on account of illness.

Mr. Suosso of Concord was granted leave of absence for the day on account of attending a funeral.

Mr. Williams of Washington was granted leave of absence for the week on account of death in family.

Messrs. Sawyer of Woodstock, Elliott of Milford, and Smith, Erwin and Darling of Keene, and Stevens of Kingston, were granted leaves of absence for the week on account of illness.

### Introduction of Bill

The following bill was introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By Mr. Remick of Tamworth, House Bill No. 498, An act relating to forest fires. To the Committee on Forestry and Recreation.

### Committee Reports

Mr. Foote of Portsmouth, for the Committee on Liquor Laws, to whom was referred House Bill No. 331, An act relative to liquor licenses for class A restaurants, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Liquor Laws, to whom was referred House Bill No. 331, An act relative to liquor licenses for class A restaurants, and being unable to agree with the majority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 2 of said bill by inserting after the word "chapter" in the fifth line the words, by signifying its approval of question (b) as provided in section 43, so that said section as amended shall read as follows:

2. *Licenses*. Further amend said chapter 170 by inserting after section 21 the following new section: 21-a. *Licenses for Class A Restaurants*. The commission may issue licenses to class A restaurants in any city or town having accepted the

provisions of this chapter by signifying its approval of question (b) as provided in section 43. Said license shall entitle the licensee to sell liquor and fortified wines by the glass and light wines by the bottle, if the cork is drawn, to be consumed in the regular dining rooms of such restaurant. The annual fee for such license shall be three hundred dollars. The sale of liquor authorized hereunder shall be subject to all the provisions of this chapter and the commission may grant, regulate, suspend or revoke such license without affecting any other license or permit granted to such restaurant.

MERRICK S. CROSBY,  
ANGELINE M. GILBERT ST. PIERRE,  
ALEXANDER KAZAKIS,  
JOHN J. LEARY,  
GEORGE H. CORBETT,  
ARKADE DUSIK,  
DENNIS F. CASEY,

*A Minority of the Committee.*

Mr. Crosby of Hillsborough moved to substitute the minority report, ought to pass with amendment, for the report of the majority, inexpedient to legislate.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Crosby of Hillsborough, Downey of Manchester, and Pickett of Keene, spoke for the motion.

Messrs. Foote of Portsmouth and Tilton of Concord, spoke against the motion.

Mr. Pillsbury of Manchester moved that the bill and reports be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Ramson of Hudson, Henderson of Durham, and Wadleigh of Milford, and Mrs. Richards of Exeter, spoke in favor of the motion.

Messrs. Jones of Lebanon, Brown of Laconia and Pickett of Keene, and Mrs. Lucy of Conway, spoke against the motion.

Mr. Laraba of Portsmouth moved the previous question.

The question being, Shall the main question now be put?



On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Turner of Keene asked for a division.

A division being had, 198 members having voted in the affirmative, and 131 members having voted in negative, the bill and reports were indefinitely postponed.

Mr. Willey of Campton, for the Committee on Executive Departments and Administration, to whom was referred Senate Joint Resolution No. 10, Joint resolution relating to world government, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Thompson of Laconia, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 279, An act relating to capital reserve funds for cities, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 6 of said bill by striking out the words "state tax commission" in line 3 and inserting in place thereof the words, city council or board of aldermen; further amend said section by striking out the words "tax commission" in line 5 and inserting in place thereof the words, city council or board of aldermen, so that said section as amended shall read as follows:

6. *Trustees of Funds.* The trustees of trust funds of the city shall have custody of all capital reserves. Said trustees shall give bond in such amount and in such form as the city council or board of aldermen shall prescribe, and any trustee who shall make payment of income or principal from any such capital reserve fund before the approval of his bond in writing by the city council or board of aldermen shall be personally liable to the city for any loss resulting from such payment, to be recovered by the city at the suit of any citizen. The expenses of said trustees in said capacity and the expense of said trustees in said capacity and the expense of their bonds shall be charged as incidental city charges.

Amend section 11 of said bill by inserting after the word "councils" in line 4 the words, or board of aldermen, for a

specific capital improvement or specific item or type of equipment and such change is made, so that said section as amended shall read as follows:

11. *Change of Purpose.* After the purpose for which a capital reserve fund is established has been determined, no change shall be made in the purpose for which said fund may be expended unless and until such change has been authorized by a favorable vote of three-quarters of all members of the city councils or board of aldermen, for a specific capital improvement or specific item or type of equipment and such change is made after a public hearing held pursuant to notice as provided in section 2.

The report was accepted.

• The bill with the amendment pending was laid upon the table to be printed under Rule No. 48.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 133, An act legalizing the school district meeting in the town of Exeter, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Jones of Lebanon, for the Committee on Judiciary, to whom was referred House Bill No. 304, An act relative to the remarriage of divorced persons, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Martel of Manchester moved that the bill be laid upon the table and made a special order for Wednesday, April 6 at 11:01 o'clock.

The question being on the motion.

(Discussion ensued)

Mr. Martel of Manchester spoke in favor of the motion.

Messrs Turner of Keene and Jones of Lebanon, and Mrs. Brungot of Berlin spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Martel of Manchester moved that the words "ought

to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

Messrs. Martel and Daniel of Ward 13, Manchester, spoke for the motion.

Messrs. Turner of Keene and Gagnon of Manchester spoke against the motion.

Mr. Myhaver of Peterborough moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

Mr. Martel of Manchester asked for a division, but subsequently withdrew his request.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 420, An act relating to the redistricting of senatorial districts, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Pillsbury of Manchester moved that the bill be laid upon the table and made a special order for Wednesday, April 6 at 11:01 o'clock.

On a *viva voce* vote the motion prevailed.

Mr. Pickett of Keene, for the Committee on Judiciary, to whom was referred House Bill No. 229, An act relating to appeals from taxes assessed against insurance companies by the insurance commissioner, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 61-a as inserted by section 1 of said bill by adding after the word "may" in line 4 the word, apply; by striking out the words "six months" in line 5 and inserting in place thereof the words, one year; and by striking out the

word "apply" in line 6, so that said section as amended shall read as follows:

61-a. *Petition.* Any insurance company authorized to do business in this state, having complied with the provisions of chapter 323 of the Revised Laws, as amended by chapter 71 of the Laws of 1945, which shall deem itself aggrieved by reason of any tax assessed against it by the insurance commissioner, may apply within one year after notice of any tax assessed against it, and not afterwards, by petition to the Superior Court in and for the county of Merrimack for an abatement of so much thereof as it may claim to have been unlawfully assessed against it.

Amend section 61-b as inserted by section 1 of said bill by striking out the word "shall" in line 3 and inserting after the word "hearing" in lines 3 and 4 the word, shall, so that said section as amended shall read as follows:

61-b. *Order by Court.* Such petition shall be entitled against the insurance commissioner and all orders of notice therein shall be served upon the insurance commissioner. In any such action the Superior Court after hearing shall make such order as justice may require and may order the insurance commissioner to credit the petitioner in any tax assessment thereafter made against the petitioner with any amount found to have been illegally assessed against and paid by the petitioner, with interest thereon at such rate as the court may deem just.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Green of Rollinsford, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 43, An act authorizing the town of Bethlehem to purchase certain property and issue serial notes in payment thereof and legalizing the town meeting held on March 14, 1944, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 100, An act relating to a road use tax on certain out of state vehicles, re-

ported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred Senate Bill No. 16, An act relative to operation of motor vehicles by amputees, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Motor Vehicles.* Amend chapter 116 of the Revised Laws by inserting after section 12 the following new section: 12-a. *Special Tags for Motor Vehicles of Amputees.* The commissioner shall furnish without charge for every motor vehicle owned by a veteran of World Wars I and II who, because of being an amputee, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, a card or tag which may be attached to the visor or otherwise of said motor vehicle so that it may be read through the windshield when said motor vehicle is parked. The commissioner shall determine the form, shape and color of said identification tag or card and shall also determine the information to be contained on said card. 12-b. *Parking.* Any motor vehicle carrying the identification tag or card provided for in section 12-a shall be allowed free parking time in any city or town so long as said motor vehicle is under the direct control of the owner.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 464, An act relative to operators' and commercial operators' licenses, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 6 of said bill by striking out the same and inserting in place thereof the following:

6. *Operators.* Amend section 15 of chapter 117 of the Revised Laws by striking out said section and inserting in

place thereof the following: 15. *Commercial Operators' License.* No person shall operate a bus or motor truck except one owned by himself as defined in paragraphs I and XV of section 1 of chapter 115 of the Revised Laws unless specially licensed as a commercial operator by the commissioner and such license shall cover the operation of any motor vehicle.

Amend section 7 of said bill by striking out said section and inserting in place thereof the following:

7. *Age Limitation.* Amend section 16 of chapter 117 of the Revised Laws by striking out said section and inserting in place thereof the following: 16. *Limitation.* Commercial operators' licenses shall be issued to any person who has passed a commercial operator's examination; but no such license shall be issued to any person less than eighteen years of age.

Amend section 9 of said bill by striking out said section and inserting in place thereof the following:

9. *Fees.* Amend paragraph I of section 9 of chapter 118 of the Revised Laws by striking out said paragraph and inserting in place thereof the following: I. For each operator's original license and examination, three dollars; for each commercial operator's original license and examination five dollars; except, when the applicant has held a chauffeur's license for the previous year in which case the fee shall be two dollars; and for all subsequent renewals of operator's, chauffeur's and commercial operator's licenses, two dollars each.

The report was accepted.

The bill, with the amendment pending, was laid upon the table to be printed under Rule No. 48.

Mr. Jones of Lebanon, for the Committee on Judiciary, to whom was referred resolution in regard to charges for electric energy, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted.

Mr. Ecker of Manchester moved that the resolution be laid upon the table and made a special order for Wednesday, April 6, at 11:02 o'clock.

On a *viva voce* vote the motion prevailed.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 50, An act legalizing the proceedings at the school meeting in the town of Hudson held on March 5, 1949.

House Bill No. 43, An act relative to care of lumber slash.

House Bill No. 44, An act relating to the felling of trees on boundary lines.

House Bill No. 82, An act relating to penalty in registration of saw mills and brush disposal.

House Bill No. 259, An act relative to taking salmon and aureolus in Lake Sunapee.

House Bill No. 248, An act to dissolve certain railroad corporations.

House Bill No. 267, An act relative to prohibited marriages.

House Bill No. 309, An act relating to drainage into highways.

House Bill No. 328, An act relative to removal of slash and storage of combustibles near saw mills.

House Bill No. 370, An act relative to insurance rating organizations.

House Bill No. 371, An act relative to the payment of municipal bonds and notes.

House Bill No. 410, An act changing the name of Peoples Building and Loan Association of Rochester to Peoples Co-operative Bank of Rochester.

Senate Bill No. 36, An act relative to the Peterborough Home for the Aged.

House Bill No. 249, An act relative to mileage allowance for members of the Legislature.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference

on House Bill No. 369, An act relative to service exemption for war veterans.

The President appointed as members of such committee, on the part of the Senate, Senators Daniell and Caron.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 43, An act relative to care of lumber slash.

House Bill No. 44, An act relating to the felling of trees on boundary lines.

House Bill No. 82, An act relating to penalty in registration of saw mills and brush disposal.

House Bill No. 248, An act to dissolve certain railroad corporations.

House Bill No. 267, An act relative to prohibiting marriages.

House Bill No. 328, An act relative to removal of slash and storage of combustibles near saw mills.

House Bill No. 371, An act relative to the payment of municipal bonds and notes.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 26, An act relative to public dumps and town appropriations for the collection and removal of garbage and other waste materials.

Amend said bill by striking out the paragraph number 26 as inserted by section 1 of the bill and inserting in place thereof the following:

26. *Public Dumping Facilities.* Any town may provide and maintain public dumping facilities for the depositing of garbage or refuse. Any such dumping facilities provided shall be accessible to the public at least one day each week and on such other days and at such hours as the selectmen, board of health, or corresponding public officer may determine.

On motion of Messrs. Boynton and Crosby of Hillsborough the House concurred in the adoption of the amendments sent down from the Honorable Senate.



The bill was then sent to the Secretary of State to be engrossed.

### Senate Bills Read and Referred

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 9, An act relative to the governor's council.

Senate Bill No. 37, An act relative to pari-mutuel pools at race meets at agricultural fairs.

Senate Bill No. 46, An act relating to the laying out of Class I and II highways.

Senate Bill No. 70, An act relative to Convent de la Presentation de Marie.

Senate Bill No. 9, An act relative to the governor's council.

Severally read a first and second time, and referred to the Committee on Executive Departments and Administration.

Senate Bill No. 37, An act relative to pari-mutuel pools at race meets at agricultural fairs.

Read a first and second time, and referred to the Committee on Ways and Means.

Senate Bill No. 46, An act relating to the laying out of Class I and II highways.

Senate Bill No. 70, An act relative to Convent de la Presentation de Marie.

Severally read a first and second time, and referred to the Committee on Judiciary.

### Resolution

Mr. Moore of Bradford offered the following resolution:

*Whereas*, We have learned of the passing of Mrs. Harriet A. Williams, wife of David E. Williams, representative from Washington, therefore be it

*Resolved*, That we extend to our fellow member and his family our heartfelt sympathy to them in their bereavement, and be it further

*Resolved*, That the Clerk of the House transmit to Representative Williams a copy of these resolutions.

The resolution was unanimously adopted by a rising vote.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and bills to be read by their titles only.

### Third Readings

House Bill No. 100, An act relating to a road use tax on certain out of state vehicles.

House Bill No. 229, An act relating to appeals from taxes assessed against insurance companies by the insurance commissioner.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Joint Resolution No. 10, Joint resolution relating to world government.

Senate Bill No. 16, An act relative to operation of motor vehicles by amputees.

Read a third time and sent to the Senate for concurrence in the amendment.

Senate Bill No. 43, An act authorizing the town of Bethlehem to purchase certain property and issue serial notes in payment thereof and legalizing the town meeting held on March 14, 1944.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Atherton of Nashua at 1:30 o'clock the House adjourned.

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WEDNESDAY, APRIL 6, 1949

The House met according to adjournment.

Prayer was offered by Rev. Herbert A. Cooper, Pastor of Methodist Church of Chesterfield.

Almighty God, whose goodness is such that Thou sendest Thy showers of blessing, alike upon the just and the unjust,

lift our spirits above the harassing perplexities of the hour to a quiet contemplation of Thine infinite calm.

Make us humble before Thy goodness and give us the measure of strength to accept Thy guidance throughout this day that we may acquit ourselves as men approved of Thee.

Then we shall become the stalwart strength of our State and Nation which the times demand and worthy of Him who has been the inspiration of men through the ages.

Grant Thy blessing upon the families of these who have come here to transact the business and enact laws for our beloved State. May no hurt come to them or theirs while they labor. We pray in the name of Jesus Christ, Our Lord.

### Leaves of Absence

Messrs. Obert of Center Harbor and Perry of Jaffrey were granted leave of absence for the day on account of illness.

Mr. Douphinet of Franklin was granted leave of absence for the remainder of the week on account of illness.

### Concurrent Resolution

Mr. Ashley of Lebanon offered the following concurrent resolution:

#### Army Day — 1949

*Whereas* the great Army of the United States has ever been the protector of our country in time of war and, in peacetime, a most effective instrumentality in the progress and welfare of our people, and

*Whereas*, especially in these critical times, services of inestimable importance to the national safety are again rendered with the greatest skill and care by the Army in many distant parts of the world, and at home, and

*Whereas*, the sixth day of the month of April, in each year, has been recognized by the Senate and the House of Representatives of the United States of America as Army Day, and the occasion proclaimed by the President of the United States:

*Now Therefore, Be It Resolved*, by the House of Representatives, the Senate concurring, that the history of danger periods in our past has demonstrated over and over again the ability, the gallantry, and the profound patriotism of the Army

of the United States; that the achievements of the brave men who have filled the ranks of the Army since the foundation of the Republic, and who comprise its membership at present, entitle the Army to deepest thanks and admiration; and, on this Army Day, 1949, the General Court of New Hampshire commends this great component of the armed forces to the affection and appreciation of all the people.

*Further Resolved*, That the Adjutant General be requested to transmit a copy of this resolution to the Secretary of the Army.

The question being on the concurrent resolution.

Mr. Ashley of Lebanon moved that the rules be suspended so as to dispense with its reference to committee and that it be made an order for action at the present time.

The concurrent resolution was unanimously adopted by a rising vote.

The concurrent resolution was sent to the Senate for concurrence.

### Committee Reports

Mr. Johnson of Northwood, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 432, An act relative to La Societe St. Jean Baptiste de Laconia, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Zopf of Claremont, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 461, An act relative to duties of the supervisors of the check-lists, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Spaulding of Hudson, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 490, An act relating to the recording of plans by the highway department, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Johnson of Northwood, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 343, An act to provide for the registration of trade-marks, labels, brands, designs, devices, symbols, and forms of advertisements, reported the same in new draft, with the recommendation that the bill in its new draft be recommitted to the Committee on Executive Departments and Administration.

The report was accepted.

The bill, in its new draft, was read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Executive Departments and Administration.

Mr. Pushee of Lyme, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 386, An act relative to reimbursement to counties and towns for certain public relief, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Forbes of Marlow, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 418, An act relative to protection of illegitimate children, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 204, An act relating to unemployment compensation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Thompson of Laconia, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 279, An act relating to capital reserve funds for cities, reported the same with the amendment as printed in the Journal of April 5, pages 6 and 7, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 464, An act relative to operators' and commercial operators' licenses, reported the same with the amendment as printed in the Journal of April 5, pages 10 and 11, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 468, An act relating to the expiration of licenses to operate motor vehicles, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Committee on Transportation, to whom was referred House Bill No. 468, An act relating to the expiration of licenses to operate motor vehicles, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The reports were accepted.

Mr. Marden of Chichester moved that the report of the minority inexpedient to legislate, be substituted for the report of the majority "ought to pass."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Marden of Chichester spoke in favor of the motion.

Messrs. Myhaver of Peterborough and Turner of Keene spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the report of the majority of the committee, ought to pass.

On a *viva voce* vote the report of the majority was adopted and the bill ordered to a third reading.

Mr. Myhaver of Peterborough moved that the rules be suspended and the bill be put upon its third reading, by title, and final passage at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed and sent to the Senate for concurrence.

### Reconsideration

Mr. Myhaver of Peterborough moved that the House reconsider the vote whereby it passed House Bill No. 468.

On a *viva voce* vote the motion to reconsider did not prevail.

### Special Order

Mr. Pillsbury of Manchester called for the special order. It being, House Bill No. 420, An act relating to the redistricting of senatorial districts.

The question being on the recommendation of the committee, ought to pass.

(Discussion ensued)

Mr. Pickett of Keene moved that the bill be indefinitely postponed.

The question being on the motion.

(Discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.

Mr. Kazakis of Manchester spoke against the motion.

Mr. Pickett of Keene withdrew his motion to indefinitely postpone.

Mr. Pickett moved that the rules be suspended to allow of a committee report not previously advertised in the Journal.

The question being on the motion.

(Discussion ensued)

Messrs. Pickett of Keene and Pillsbury of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The undersigned, a minority of the Committee on Judiciary, to whom was referred House Bill No. 420, An act relating to redistricting of senatorial districts, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

LAURENCE M. PICKETT,  
HENRY P. SULLIVAN,  
*A Minority of the Committee.*

The question being on the minority report of the committee.

Mr. Pickett of Keene moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Sullivan of Ward 6 and Sullivan of Ward 7, Manchester and Mrs. Dondero of Portsmouth and Mrs. Mason of Berlin spoke in favor of the motion.

Messrs. Pillsbury of Manchester, Laraba of Portsmouth, Willey of Campton, Turner of Keene, Somers of Holderness and Sanborn of Wakefield and Mrs. Cooper of Nashua spoke against the motion.

Mr. Johnson of Northwood moved the previous question. The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

Mr. Pillsbury of Manchester asked for a division.

A division being had, 159 members having voted in the affirmative and 180 members having voted in the negative, the motion to substitute did not prevail.

Mr. Daniel, Ward 13, of Manchester demanded the Yeas and Nays, and the roll was called with the following result:

**Yeas, 154**

HILLSBOROUGH COUNTY: Farwell, Hambleton, Reed of Goffstown, Danforth, Geisel, Connor of Manchester, Dwyer, Martel, Sweeney, Fitzgerald, Kean, Nolan, Betley, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of



Manchester, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Sullivan of Manchester, Ward 7, Delisle, Kane, Roy of Manchester, Simard, Cary, Auger, Getz, McPhail, Roche, Roukey, April, LaFlamme of Manchester, Lareau, Vaillancourt, Daniel of Manchester, Gauthier, Thibodeau of Manchester, Cannon, Donnelly, Wedick, Peaslee of Merrimack, Falconer, Boire, Landry, Belcourt, Brosnahan, Spalding of Nashua, Chasse, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, DuPont, Lavoie, Cormier, Grandmaison, Cote, Bigelow, Barry.

CHESHIRE COUNTY: Ring, Pickett, Killeen, Rhodes, Billings.

SULLIVAN COUNTY: Angus, Hutchins, Baron, Stetson, Riley, Walker of Grantham, Holmes of Langdon, Cummings of Newport, Downing, Farmer, Rowell, Russell.

GRAFTON COUNTY: Brown of Ashland, Willey, Holden, Sommers, Oakes, Edson, Dusik, Anderson, Sawyor of Woodstock.

COOS COUNTY: Dussault, Mason, Moffett, Desilets, Henderson of Berlin, Lazure, Bouchard, Fontaine, Gagnon of Berlin, Roy of Berlin, Fraser, Baxter, Potter, Phelan.

ROCKINGHAM COUNTY: Clark, Corson, Heon, Hepworth, Fecteau, Sanborn of Fremont, Root, LaBranche of Newmarket, Sewall, Alessi, Dondero, Payette, Hobbs, Leary, Ingraham of Portsmouth, Bluitte, Philbrick, Haigh.

STRAFFORD COUNTY: Redden, Stackpole, Gouin, Grimes, Marcotte, Dodge, Flanagan, Dustin, Jones of Rochester, St. Pierre, Lacasse, Lagueux, LeTourneau, Cater of Somersworth.

BELKNAP COUNTY: Normandin, Simoneau, Thompson of Laconia, Smith of New Hampton.

CARROLL COUNTY: None.

MERRIMACK COUNTY: Couture, Nicoll, Marden, Coakley, Ferrin, Sawyer of Concord, Burke, LaBranche of Franklin, Dudevoir, Mullaire, Spiller, Lea, Holmes of Salisbury.

## Nays, 198

HILLSBOROUGH COUNTY: Tracy, Wilson, French, Black, Ellsworth, Jones of Francestown, Tirrell, Adams of Greenfield, Doonan, English, Boynton, Crosby, Goodwin of Hollis, Goodwin of Hudson, Spaulding of Hudson Corliss, Daniels of Manchester, Pillsbury, Sawyer of Manchester, Gagnon of Manchester, Wadleigh, Fletcher, Cooper, Ramsdell, Goulet, Shedd, Thompson of New Ipswich, Cummings of Peterborough, Myhaver, Osborne.

CHESHIRE COUNTY: Dort, Thomas, Miller, Walker of Hinsdale, Spofford, Aldrich, Willard, Amadon, Landers, Turner, Zimmerman, Hall, Forbes, Tolman, Andrews, Sherwin, Blake, Kershaw, Lang, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Perkins, Converse of Claremont, Zopf, Bissonnett, White, Tewksbury, Nelson, Read of Plainfield, Gardner of Springfield, Callum.

GRAFTON COUNTY: Wadhams, Chamberlin of Bath, Whittier, Wheeler, Eggleston, Dunbar, Grass, Williams of Grafton, Atkins, Fuller, Chamberlin of Haverhill, Clough, Perry of Haverhill, Adams of Lebanon, Ashley, Cole, Dwinell, Jones of Lebanon, Collins, Hamilton, Kelley of Littleton, Orr, Pushee, Roberts, Bell, Loizeaux, Barney.

COOS COUNTY: Brungot, Christiansen, Currier, Gould, Falkenham, Hamlin of Dummer, Kimball, Evans of Lancaster, Moses, Johnson of Milan, Ellingwood, Converse of Pittsburg, Baker, Hinman, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Persson, Hazelton, Fitch, Eldredge, Elwell, Rathbone, Richards, Weeks of Greenland, Underwood, Parmenter, Carter of North Hampton, Johnson of Northwood, Colcord, Durell, Foote, Yeaton, Laraba, True, Durkee, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Felker, Smalley, Crandall, Henderson of Durham, Parker, Webster, Wormhood, Horne, Rolfe, Studley, Fernald, Leach, Green of Rollinsford, Malley, Brown of Strafford.

BELKNAP COUNTY: Perkins, McAllister, Dearborn, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Tilton of Laconia, Shannon, Brown of Laconia, Ewing, Ransom, Smith of Meredith, Atwood.

CARROLL COUNTY: Washburn, Downs, Hill, Lucy, Thompson of Effingham, MacGown, Wild, Banfield, Wiggin, Knox, Remick, Hodgdon, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Hardy, Moore, Rancour, Besse, Colbath, Suosso, Hurd, Nash, Tilton of Concord, Buntten, Greene of Concord, Roby, Blodgett, Nawn, Sargent, Towle, Chase, Lorden, Connor of Henniker, Astles, Kenney, Carr, Ferguson, Stapleton, Yerxa, Savory, Stebbins.

### Pairs

Mr. Casey of Manchester voting, Yes; paired with Mr. Saltmarsh of Concord voting, No.

And the motion to substitute did not prevail.

Mr. Kazakis of Manchester moved that House Bill No. 420 be recommitted.

The question being on the motion to recommit.

(Discussion ensued)

Messrs. Kazakis of Manchester and Lea of Pembroke, spoke in favor of the motion.

Messrs. Pillsbury of Manchester, Sanborn of Wakefield and Myhaver of Peterborough, spoke against the motion.

Mr. Johnson of Northwood moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to recommit.

Mr. Kazakis of Manchester moved to adjourn.

On a *viva voce* vote the motion did not prevail.

The question being on the motion to recommit.

On a *viva voce* vote the motion did not prevail.

The question being, Shall the bill be read a third time?

On a *viva voce* vote the bill was ordered to a third reading.

**Special Order**

Mr. Ecker of Manchester called for the special order. It being, Resolution in regard to charges for electric energy.

The question being on the resolution of the committee, inexpedient to legislate.

Mr. Ecker of Manchester moved to substitute the words "ought to pass" for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Ecker of Manchester spoke in favor of the motion.

Mr. Turner of Keene moved that the resolution be indefinitely postponed.

The question being on the motion.

(Discussion ensued)

Messrs. Turner of Keene, Spaulding of Hudson, Johnson of Northwood and Jones of Lebanon spoke in favor of the motion.

Mr. Edson of Lebanon and Mrs. Dondero of Portsmouth spoke against the motion.

Mr. Ecker of Manchester asked for a division.

A division being had, 209 members having voted in the affirmative and 93 members having voted in the negative, the motion to indefinitely postpone was adopted.

Mr. Kazakis of Manchester moved to adjourn.

On a *viva voce* vote the motion did not prevail.

Mr. Kazakis of Manchester asked for a division.

A division being had, 117 members having voted in the affirmative, and 185 members having voted in the negative, the motion to adjourn did not prevail.

Mr. Kazakis of Manchester demanded the Yeas and Nays, but subsequently withdrew his demand.

Mr. Ecker of Manchester demanded the Yeas and Nays, on the motion to indefinitely postpone, and the roll was called with the following result:

**Yeas, 239**

HILLSBOROUGH COUNTY: Tracy, Wilson, French, Black, Farwell, Ellsworth, Jones of Francestown, Hambleton, Reed of Goffstown, Tirrell, Adams of Greenfield, Doonan, English,

Boynton, Crosby, Goodwin of Hollis, Goodwin of Hudson, Spaulding of Hudson, Daniels of Manchester, Danforth, Pillsbury, Sawyer of Manchester, Wedick, Peaslee of Merrimack, Falconer, Wadleigh, Fletcher, Atherton, Cooper, Shedd, Thompson of New Ipswich, Cummings of Peterborough, Myhaver, Osborne, Barry.

CHESHIRE COUNTY: Ring, Dort, Miller, Walker of Hinsdale, Spofford, Aldrich, Willard, Amadon, Landers, Turner, Pickett, Zimmerman, Hall, Forbes, Tolman, Sherwin, Blake, Kershaw, Lang, Killeen, Rhodes, Billings, Ingham of Winchester.

SULLIVAN COUNTY: Perkins, Angus, Converse of Claremont, Zopf, Bissonnett, Hutchins, White, Baron, Stetson, Tewksbury, Holmes of Langdon, Read of Plainfield, Gardner of Springfield, Russell, Callum.

GRAFTON COUNTY: Wadhams, Chamberlin of Bath, Whittier, Wheeler, Willey, Eggleston, Dunbar, Grass, Williams of Grafton, Atkins, Fuller, Holden, Chamberlin of Haverhill, Clough, Perry of Haverhill, Sommers, Oakes, Adams of Lebanon, Ashley, Cole, Dwinell, Jones of Lebanon, Collins, Hamilton, Kelley of Littleton, Orr, Dusik, Pushee, Roberts, Bell, Loizeaux, Barney, Anderson, Sawyer of Woodstock.

COOS COUNTY: Dussault, Mason, Moffett, Brungot, Christiansen, Bouchard, Gagnon of Berlin, Roy of Berlin, Currier, Gould, Falkenham, Hamlin of Dummer, Fraser, Kimball, Evans of Lancaster, Johnson of Milan, Baxter, Ellingwood, Potter, Converse of Pittsburg, Phelan, Baker, Hinman, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Persson, Hazelton, Fitch, Clark, Corson, Heon, Hepworth, Eldredge, Elwell, Rathbone, Richards, Weeks of Greenland, Root, Underwood, Parmenter, Carter of North Hampton, Johnson of Northwood, Colcord, Durell, Foote, Yeaton, Laraba, Bluitte, Philbrick, Haigh, True, Durkee, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Felker, Smalley, Crandall, Henderson of Durham, Parker, Webster, Wormhood, Horne, Rolfe, Dustin, Jones of Rochester, Studley, Fernald, Leach, Brown of Strafford.

BELKNAP COUNTY: Perkins, McAllister, Dearborn, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Simoneau, Tilton of Laconia, Shannon, Thompson of Laconia, Brown of Laconia, Ewing, Ransom, Smith of Meredith, Smith of New Hampton, Atwood.

CARROLL COUNTY: Washburn, Downs, Hill, Lucy, Thompson of Effingham, MacGown, Wild, Banfield, Wiggin, Knox, Remick, Hodgdon, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Hardy, Moore, Rancour, Marden, Besse, Colbath, Suosso, Hurd, Nash, Tilton of Concord, Bunten, Greene of Concord, Roby, Blodgett, Sawyer of Concord, Sargent, Towle, Chase, Lorden, Connor of Henniker, Astles, Kenney, Spiller, Carr, Ferguson, Stapleton, Holmes of Salisbury, Yerxa, Savory, Stebbins.

#### Nays, 86

HILLSBOROUGH COUNTY: Connor of Manchester, Martel, Fitzgerald, Kean, Nolan, Betley, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of Manchester, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Zyla, Sullivan of Manchester, Ward 7, Cary, Gagnon of Manchester, Auger, Getz, McPhail, Roukey, April, Lareau, Vaillancourt, Daniel of Manchester, Gauthier, Donnelly, Boire, Landry, Belcourt, Goulet, Brosnahan, Spalding of Nashua, Chasse, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Cote, Bigelow.

CHESHIRE COUNTY: None.

SULLIVAN COUNTY: Walker of Grantham, Cummings of Newport, Downing, Farmer.

GRAFTON COUNTY: Edson.

COOS COUNTY: Lazure, Fontaine, Moses.

ROCKINGHAM COUNTY: Fecteau, LaBranche of Newmarket, Sewall, Alessi, Dondero, Payette, Hobbs, Leary, Ingraham of Portsmouth.

STRAFFORD COUNTY: Redden, Stackpole, Gouin, Grimes, Marcotte, Dodge, Flanagan, St. Pierre, Lacasse, Lagueux, Letourneau, Cater of Somersworth, Malley.

BELKNAP COUNTY: None.

CARROLL COUNTY: None.

MERRIMACK COUNTY: Couture, Coakley, Ferrin, La-Branche of Franklin, Dudevoir, Mullaire, Lea.

And the motion to indefinitely postpone prevailed.

### Recorded Voting

Mr. Brown of Ashland stated he was not present when the roll was called, and had he been present he would have voted Yes on the question.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and bills to be read by their titles only.

### Third Readings

House Bill No. 420, An act relating to the redistricting of senatorial districts.

Read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Pillsbury of Manchester moved that the vote whereby the House reconsidered House Bill No. 420 be reconsidered.

The question being on the motion.

(Discussion ensued)

Mr. Kazakis of Manchester spoke in favor of the motion. On a *viva voce* vote the motion did not prevail.

House Bill No. 279, An act relating to capital reserve funds for cities.

House Bill No. 418, An act relative to protection of illegitimate children.

House Bill No. 432, An act relative to La Societe St. Jean Baptiste de Laconia.

House Bill No. 464, An act relative to operators' and commercial operators' licenses.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Sanborn of Wakefield at 2:30 o'clock the House adjourned.

THURSDAY, APRIL 7, 1949

The House met according to adjournment.

### Joint Convention

Prayer was offered by the Chaplain.

Eternal God, who hast formed us for companionship with Thee, and hast called us to walk with Thee unafraid; show us that way of life that honorably and fearlessly discharges each day's duty, and that enables our work by doing it as unto Thee. Help us ever to remember, it is not so much what we think of Thee as what Thou dost think of us; not so much what we get of the tangible things of life as what we give of those unseen qualities—faith, hope, courage and kindliness, that makes for real satisfaction and wealth. We ask it in the name of Him who said: "It is more blessed to give than to receive." Amen.

Both branches being in joint convention, His Excellency, the Governor, appeared and delivered the following address:

### Address of His Excellency, Governor Sherman Adams Before both Branches of the Legislature April 7, 1949

No place on earth where high idealism, or its expression, is more appropriate than here in New Hampshire. I am privileged to sign before you this morning, Senate Joint Resolution No. 10, to strengthen the United Nations and provide a united world government.

The people of New Hampshire have expressed their confidence in the purposes which are embodied here. They were the first people of any state who stated to the country and the world that united action by nations, cooperatively associated together in the determined purpose that we should find the means to keep our freedom and live honorably and amicably together, was the only course left that would insure a peaceful world. This court has seen fit to express again that high purpose, in days when our security and our future is so uncertain. This resolution expresses the high idealism of a people who, while loyal to their own institutions, and loving them, are yet willing to reach for other goals, for the benefit of the human race and its civilization.

It is an honor to me to be privileged to affix my signature to this resolution in your presence.



On motion of Senator Cummings of District No. 2, the Convention rose.

## **House**

### **Change in Vote**

Mr. Green of Rollinsford, recorded as voting No on House Bill No. 420, An act relating to redistricting of senatorial districts, requested his vote changed to Yes.

### **Leaves of Absence**

Messrs. Peever of Salem, Sawyer of Concord, and Goodwin of Hudson, were granted leaves of absence for the day on account of important business.

Messrs. Thompson of New Ipswich, Scammon of Stratham and Obert of Center Harbor, were granted leaves of absence for the day on account of illness.

Mr. Wirkkala of Lempster was granted leave of absence for the week on account of illness in family.

### **Introduction of Bills**

By the Committee on Rules, House Bill No. 499, An act relating to forest conservation and taxation. To the Joint Committee on Forestry and Recreation and Ways and Means.

By Mr. Zimmerman of Keene, Ward 5, House Bill No. 500, An act relative to deer hunting. To the Committee on Fisheries and Game.

### **Ruling of Speaker on Motion to Adjourn**

Yesterday when the member from Manchester, Mr. Kazakis moved to adjourn in the middle of a roll call, the Chair was in doubt as to the right of the member to do so. Rather than deny the member's right, while still uncertain of the question of order, the Chair preferred to grant the right out of fairness to the member.

However, the Chair has since examined the legislative precedents on this question. It appears to be the uniform practice in the Congress and in all State Legislatures that a motion to adjourn is not in order after the question before the House has been put or while the House is engaged in voting,

whether by voice vote, division or roll call. In the future the Chair will not be able to recognize any member for the purpose of moving to adjourn under the above stated circumstances.

### Resolution

Mr. Pillsbury of Manchester offered the following resolution.

*Resolved*, That the Manchester Delegation be ordered to report House Bills Nos. 434 and 436, and that the bills be made a special order for Wednesday, April 13 at 11:01 and 11:02 o'clock.

The question being on the motion.

(Discussion ensued)

Mr. Pillsbury of Manchester spoke in favor of the motion.

Messrs. Kazakis and Sullivan of Ward 7, Manchester, and Mrs. Brungot of Berlin, spoke against the motion.

Mr. Pillsbury of Manchester withdrew his motion.

### Committee Reports

Mr. Sawyer of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 264, An act relating to appointment of probation officers in large towns and cities, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Probation Officers*. Amend section 5 of chapter 379 of the Revised Laws as amended by chapter 8 of the Laws of 1943 by inserting after the word "towns" in line 5 the words, and cities, and by striking out the word "five" in line 6 and inserting in place thereof the word, fifty, so that said section as amended shall read as follows:

5. *Probation Officers Selected and Assigned*. State probation officers shall be appointed by the board upon recommendation of the director from a list found qualified by the board. Such officers shall be assigned to and reside in counties or districts of the state to be designated by the board. Municipal courts in towns and cities having a population of over

fifty thousand shall and other courts may appoint one or more qualified probation officers for their respective courts. No municipal probation officer shall qualify for office until his appointment thereto has been approved by the board and all such officers shall be subject to supervision by the board and each shall hold his office during the pleasure of the board.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Hinman of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 473, An act relating to appeals in municipal zoning matters, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 65-a as inserted by section 2 of the bill by striking out said section and inserting in place thereof the following:

65-a. *Action on Motion.* Upon the filing of such motion for rehearing the board of adjustment or the legislative body of a city shall within ten days either grant or deny the same, or suspend the order or decision complained of pending further consideration and any order of suspension may be upon such terms and conditions as the board of adjustment or legislative body of a city may prescribe. In case the motion for a re-hearing is against a decision of the legislative body of a town and if the selectmen, as provided in section 64, shall have called a special town meeting within twenty-five days from the receipt of application for such re-hearing, the town shall grant or deny the same or suspend the order or decision complained of pending further consideration and any order or suspension may be upon such terms and conditions as the town may prescribe.

Amend section 65-f as inserted by section 2 of the bill by striking out the word "may" in line 2 and inserting after the word "shown" in line 3 the word, may, so that said section as amended shall read as follows:

65-f. *Injunction.* The filing of an appeal shall not stay proceedings upon the decision appealed from, but the court, on application and notice, on good cause shown, may grant a restraining order.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 441, An act relating to the care, treatment and rehabilitation of sexual psychopaths, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the words "more adequately" in line 2 and inserting after the word Society in line 3 the words, more adequately, so that said section as amended shall read as follows:

1. *Finding of Necessity and Purpose.* It is hereby declared that the frequency of sex crimes within this state necessitates that appropriate measures be adopted to protect society more adequately from aggressive sexual offenders; that the laws of this state do not provide for the proper disposition of those who commit or have a tendency to commit such crimes and whose actions result from a psychopathic condition; that society as well as the individual will benefit by a civil commitment which would provide for indeterminate segregation and treatment of such persons: that the necessity in the public interest for the provisions hereinafter enacted is a matter of legislative determination.

Amend sub-paragraph (1) of paragraph II of section 3 of said bill by striking out the words "that where" in line 8 and inserting in place thereof the word, when, so that said sub-paragraph as amended shall read as follows

(1) Whenever facts are presented to the county solicitor which satisfy him that good cause exists for judicial inquiry as to whether a person is a sexual psychopath he may prepare a petition setting forth such facts and requesting a court to conduct an inquiry into the condition of such person. The petition shall be executed and verified by a person having knowledge of the facts on which it is based. The petition shall be filed with the superior court in the county in which such alleged sexual psychopath has his legal settlement or in which such person is present, and when such alleged psychopath is under eighteen years of age, the peti-

tion shall be filed with the superior court in such county, and the provisions of chapter 132 of Revised Laws do not apply.

Amend paragraph I of section 4 of said bill by striking out the word "and" before the words "at least" in line 4, so that said paragraph as amended shall read as follows:

I. The court with which the petition described in the preceding section was filed shall appoint an examining board composed of two psychiatrists, qualified by certification or its equivalent, holding a license to practice in New Hampshire, and one physician licensed to practice in New Hampshire, at least one of whom shall be attached to the medical staff of a state mental hospital, to examine forthwith the alleged sexual psycopath or the one accused of one or more of the sex offenses stated in paragraph I (1) of section 3 and to obtain any additional information in their opinion necessary to ascertain whether the person is a sexual psycopath.

Amend paragraph I of section 5 of said bill by striking out the first sentence and inserting in place thereof the following: If in the examination provided in section 4 the majority of the examining board makes a report with the findings that the person examined is a sexual psycopath, within the meaning of this act, the court shall conduct a hearing upon such notice as it deems necessary within thirty days after the receipt of said report, and such report shall be admissible as evidence, so that said paragraph as amended shall read as follows:

I. If in the examination provided in section 4 the majority of the examining board makes a report with the finding that the person examined is a sexual psycopath, within the meaning of this act, the court shall conduct a hearing upon such notice as it deems necessary within thirty days after the receipt of said report and such report shall be admissible as evidence. The court may, at its discretion, exclude the general public from attendance at such hearing. The individual concerning whom the petition is filed shall be entitled to be present at the hearing and to be represented by counsel. If the court determines that he is financially unable to obtain counsel, the court shall appoint counsel to represent him. He shall be entitled to have subpoenas issued out of said court to compel the attendance of witnesses in

his behalf. Reasonable fees of counsel and witness fees for an indigent person alleged to be a sexual psychopath shall be allowed by the court and shall be a charge against the county wherein the petition is heard.

Amend section 11 of said bill by adding after the word "suspended" in lines 6 and 7 the words, except so far as deemed necessary and feasible by the Commission of Mental Health, so that said section as amended shall read as follows:

11. *Temporary Housing.* The provisions of this chapter as they relate to the housing of sexual psychopaths may be suspended until the general court in session in 1951 shall make adequate provision for the permanent application of this chapter. In the interim, all sexual psychopaths committed to the state psychopathic institution shall be treated by the existing facilities at the state hospital as they relate to housing, but the provisions for segregation and separate administration shall not be suspended, except so far as deemed necessary and feasible by the Commission of Mental Health. It shall be the duty of the commission to make a thorough and complete study as to the size and specifications of a permanent facility for the housing of sexual psychopaths in this state, and the results of their study shall be submitted to the 1951 session of the general court.

The report was accepted.

The bill, with amendment pending, was laid upon the table to be printed under Rule No. 46. ,

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 87, An act relating to the establishment of a civil defense agency, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph III of section 6 of the bill by inserting after the word "rights" in line 5 the words, as to compensation for injuries, so that said paragraph as amended shall read as follows:

III. If they are not employees of the state or a political subdivision thereof, be entitled to compensation by the state at the same rates of daily pay, and allowances, as are allowed grand and petit jurors under the provisions of section 28, of

chapter 375, Revised Laws, as amended, and to the same rights as to compensation for injuries as are provided by law for the employees of this state. The personnel of mobile reserve battalions shall, while on duty, be subject to the operational control of the authority in charge of civil defense activities in the area in which they are serving, and shall be reimbursed for all actual travel and subsistence expenses incurred under orders issued by the state director. The state shall reimburse a political subdivision for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of employees of such political subdivision while serving under orders issued by the state director as members of a mobile reserve battalion, and for all losses of or damage to supplies and equipment of such political subdivision resulting from the operation of such mobile reserve battalion. Whenever a mobile reserve battalion of another state shall render aid in the state of New Hampshire pursuant to the orders of the governor of its home state and upon the request of the governor of this state, this state shall reimburse such other state for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of the personnel of such mobile reserve battalion while rendering such aid, and for all losses of or damage to supplies and equipment of such other state or a political subdivision thereof resulting from the rendering of such aid; provided, that the laws of such other state contain provisions substantially similar to those recited in this section. No personnel of mobile reserve battalions of this state shall be ordered by the governor to operate in any other state unless the laws of such other state contain provisions substantially similar to this section.

Amend section 9 of the bill by striking out after the word "nor" in lines 2 and 3 the words "except in cases of wilful misconduct"; further amend by inserting after the word "activity" in line 8 the words, provided, however, that such immunity shall apply to such agents, employees, or representatives only when they are acting in good faith and not wilfully or wantonly, so that said section as amended shall read as follows:

9. *Immunity.* Neither the state nor any political subdivision thereof, nor other agencies, nor the agents, employees, or representatives of any of them, engaged in any civil defense activities, while complying with or attempting to comply here-

with or any rule or regulation promulgated pursuant to the provisions hereof, shall be liable for the death of or any injury to persons, or damage to property, as a result of such activity, provided, however, that such immunity shall apply to such agents, employees, or representatives only when they are acting in good faith and not wilfully or wantonly. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled hereunder, or under the workmen's compensation law, or under any retirement law, nor the right of any such person to receive any benefits or compensation under any act of congress.

The report was accepted.

The bill, with the amendment pending, was laid upon the table to be printed, under Rule No. 46.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 325, An act relating to operation of motor vehicles while under the influence of intoxicating liquor, reported the same with the recommendation that the bill as amended ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Green of Rollinsford, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 40, An act authorizing the Penacook and Boscawen water precinct to issue notes or bonds for water system, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Green of Rollinsford, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 52, An act legalizing school district meeting in the town of Lyndeborough held in March, 1949, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Green of Rollinsford, for the Committee on Municipal and County Government, to whom was referred House Bill



No. 423, An act relative to meters for taxicabs, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Kazakis of Manchester moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion.

(Discussion ensued)

Mr. Kazakis of Manchester spoke in favor of the motion.

Messrs. Clough of Haverhill, Farmer of Newport, Gagnon of Manchester and Lea of Pembroke spoke against the motion.

Mr. Laraba of Portsmouth moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

On a *viva voce* vote the motion did not prevail.

The question being on the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Engrossed Bills

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Joint resolution No. 10, Joint Resolution relating to world government.

House Bill No. 140, An act providing for guaranty to dealer relative to original packages of foods.

Senate Bill No. 29, An act in relation to notice of petitions for right to appeal from decrees of probate courts.

Senate Bill No. 32, An act naming the Horace Greeley highway.

Senate Bill No. 43, An act authorizing the town of Bethlehem to purchase certain property and issue serial notes in payment thereof and legalizing the town meeting held on March 14, 1944.

Senate Bill No. 3, An act relating to commitment to veterans' administration.

House Bill No. 144, An act relative to the operation of a motor vehicle used in transporting inflammable liquids.

House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and journals.

The report was accepted.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 64, An act pertaining to the practice of dentistry, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Dentistry.* Amend section 17 of chapter 251 of the Revised Laws by striking out said section and inserting in place thereof the following: 17. *Practice.* A person shall be regarded as practicing dentistry within the meaning of this chapter who uses or permits to be used, directly or indirectly,

Further amend said section 1 of said bill by striking out the twenty-ninth and thirtieth lines and inserting in place thereof the following: to be used and worn as substitutes for natural teeth, or adjust the same; or who

Further amend said section 1 of said bill by striking out all after the word "licensed" in the thirty-third line and inserting in place thereof the following: physicians or surgeons from treating or prescribing for lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums, maxilla, or mandible or adjacent associated structures, or from extracting human teeth or administering anesthetics, or using or prescribing drugs or other remedies; nor shall it prevent students from performing dental operations under the supervision of competent instructors within a dental school, college, or dental department of a university recognized by said board.

Amend section 2 of said bill by striking out the eighth line and inserting in place thereof the following: so that said section as amended shall read as follows: 18. *Eligibility; Examination; Registration.*

Further amend said bill by striking out section 3 and inserting in place thereof the following:

3. *Name.* Amend section 27 of chapter 251 of the Revised Laws by striking out said section and inserting in place thereof the following: 27. *Business Name.* No person shall operate any dental office under any name other than the name of the dentist or dentists actually owning the practice. The provisions of this section shall not apply to any corporation which, upon the date of the passage of this act, was operating a dental office under a corporate title containing the name of the dentist or dentists actually owning the practice, "so long as the corporate title shall continue to contain the name of the dentist or dentists from time to time actually owning the practice."

On motion of Mr. Besse of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Message From the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 53, An act relating to non-resident pupils in schools.

House Bill No. 354, An act relating to enlarging school-house lots.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolution:

### Army Day — 1949

*Whereas* the great Army of the United States has ever been the protector of our country in time of war and, in peacetime, a most effective instrumentality in the progress and welfare of our people, and

*Whereas*, especially in these critical times, services of inestimable importance to the national safety are again rendered

with the greatest skill and care by the Army in many distant parts of the world, and at home, and

*Whereas*, the sixth day of the month of April, in each year, has been recognized by the Senate and House of Representatives of the United States of America as Army Day, and the occasion proclaimed by the President of the United States;

*Now, Therefore, Be It Resolved*, by the House of Representatives, the Senate concurring, that the history of danger periods in our past has demonstrated over and over again the ability, the gallantry, and the profound patriotism of the Army of the United States; that the achievements of the brave men who have filled the ranks of the Army since the foundation of the Republic, and who comprise its membership at present, entitle the Army to deepest thanks and admiration; and, on this Army Day, 1949, the General Court of New Hampshire commends this great component of the armed forces to the affection and appreciation of all the people.

*Further Resolved*, That the Adjutant General be requested to transmit a copy of this resolution to the Secretary of the Army.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

Senate Bill No. 29, An act in relation to notice of petitions for right to appeal from decrees of probate courts.

House Bill No. 140, An act relative to guaranty to dealer relative to original packages of foods.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 16, An act relative to operation of motor vehicles by amputees.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 120, An act relating to investments of trustees.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Investment of Trustees.* Amend paragraph IV of section 17 of chapter 363 of the Revised Laws by inserting after the word "securities" in the first line the words, including the shares of any open-end or closed-end management type investment company or investment trust which is,

On motion of Mr. Wadleigh of Milford the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills:

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills; with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 11, An act authorizing the Rye School District to borrow money and to issue notes or bonds.

Amend section 5 of the bill by striking out the whole of said section and inserting in place thereof the following:

5. *Proceedings Legalized.* The votes and proceedings taken at the Rye school district at the annual school district meeting in March, 1949, relative to borrowing money for the purpose of erecting and equipping an addition to the school building in said district are hereby legalized, ratified and confirmed.

On motion of Mr. Philbrick of Rye the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 337, An act relating to town officers' associations.

1. *Membership Dues in Town Officers' Associations.* Amend section 8 of chapter 51 of the Revised Laws by strik-

ing out said section and inserting in place thereof the following: 8. *Town Officers' Associations*. For the encouragement of equitable taxation and the education of public officials in tax problems and other matters pertaining to the proper and efficient discharge of the duties of their respective offices, each town and city shall pay annually to the Association of New Hampshire Assessors, the New Hampshire City and Town Clerks' Association and the New Hampshire Tax Collectors' Association, such amounts as shall be due for annual membership for its officials therein provided that the amount paid for any one annual membership hereunder shall not exceed three dollars. Members of these several organizations in addition to the annual membership fee shall be entitled to receive their actual expenses incurred in attending the annual convention of their respective associations, the same to be audited by the selectmen of towns and the finance committees of cities and paid out of city and town funds.

On motion of Mr. Killeen of Walpole the House concurred in the adoption of the amendment, sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 172, An act relative to regulation of subdivision of land under municipal planning.

House Bill No. 374, An act relating to the purchase of cream or milk for re-sale or manufacture.

House Bill No. 402, An act empowering the superior court to make orders for support in certain cases.

House Bill No. 430, An act relative to the reclassification of a road in the town of Milton.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives.

Senate Bill No. 7, An act relative to the practice of physiotherapy.

Senate Bill No. 48, An act relative to aid for handicapped children.

Senate Bill No. 64, (in new draft and new title), An act defining wholesalers and sub-jobbers under the tobacco tax act so-called.

### **Senate Bills Read and Referred**

Senate Bill No. 7, An act relative to the practice of physiotherapy.

Read a first and second time and referred to the Committee on Public Health.

Senate Bill No. 48, An act relative to aid for handicapped children.

Read a first and second time and referred to the Committee on Education.

Senate Bill No. 64, (in new draft and new title), An act defining wholesalers and sub-jobbers under the tobacco tax act so-called.

Read a first and second time and referred to the Committee on Ways and Means.

The message further announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 69, An act extending the powers of the North Walpole village princt.

Senate Bill No. 76, An act relative to the village district of Walpole.

Senate Bill No. 79, An act relating to interest on delinquent taxes.

Severally read a first and second time and referred to the Committee on Judiciary.

Senate Bill No. 68, An act relating to the construction and financing of a new water main in the town of Troy.

Read a first and second time and referred to the Committee on Public Works.

Mr. Blake of Swanzey moved that the rules be suspended and reference of Senate Bill No. 68 to a committee be dispensed with and the bill be put upon its third reading, by title, and final passage at the present time.

The question being on the motion.

(Discussion ensued)

Messrs. Blake of Swanzey, Pickett of Keene and Clough of Haverhill spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed and sent to the Secretary of State to be engrossed.

### Committee Report

Mr. Turner of Keene moved that the rules be suspended to allow of a committee report not previously advertised in the Journal.

The question being on the motion.

(Discussion ensued)

Messrs. Turner of Keene, Spaulding of Hudson and Barry of Wilton spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred Senate Bill No. 70, An act relative to Convent de la Presentation de Marie, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### Resolutions

Mr. Amadon of Keene offered the following resolution:

*Whereas*, Burleigh R. Darling, Representative from Keene, is confined to his home by illness, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend our greetings to our fellow member with our best wishes for his speedy return to health, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Representative Darling.

On a *viva voce* vote the resolution was adopted.

Mr. Aldrich of Keene offered the following resolution:

*Whereas*, James M. Erwin, Representative from Keene, is confined to his home by illness, therefore be it



*Resolved*, That we, the members of the House of Representatives, extend our greetings to our fellow member with our best wishes for his speedy return to health, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Representative Erwin.

On a *viva voce* vote the motion was adopted.

Mr. Turner of Keene offered the following resolution:

*Whereas*, Robert A. Smith, Representative from Keene, is confined to his home by illness, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend our greetings to our fellow member with our best wishes for his speedy return to health, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Representative Smith.

On a *viva voce* vote the resolution was adopted.

### Order Vacated

Mr. Doonan of Greenville moved that the rules of the House be suspended, and the order whereby Senate Bill No. 53, An act relative to limitation on amount of fraternal benefit society payments, was referred to the Committee on Banks be vacated, and the bill be referred to the Committee on Insurance.

On a *viva voce* vote the motion was adopted.

### Special Committee Report

Mr. Rowell of Newport offered the following special committee report:

Report of the House committee appointed by the Speaker to investigate the delay in the issuance of unemployment checks.

Less than one hour after this committee was appointed, we organized and called on the Unemployment Compensation Department, and with the very fine co-operation of Mrs. Wilder and Mr. Chamberlin, we were able to follow through from the time that the unemployed individual applied for compensation to the time that each check was mailed.

We found that there was a tremendous back-log of unissued checks. In the opinion of the committee, the causes of this back-log were as follows:

1. The tremendous unemployment load that was not foreseen by anyone.

2. The addressing system that was in use in the Field Offices was of an unsatisfactory and obsolete style. The machines in use would not print clearly, and the address plates that were issued to the unemployed persons would become warped and bent in their pockets, and consequently it was almost impossible to obtain legible copy on their voucher slips or their checks. All check names and addresses had to be hand typed on the bookkeeping machines at the time of issuance of these checks. With an ordinary small load this was possible to do, but with the peak load, it was almost an impossibility. The Unemployment Department, with the assistance of the committee and the governor and his council, procured the authority to install, and since have installed, a new addressing system.

3. The large combination bookkeeping and check-writing machines were badly in need of an over-hauling, and major repairs. However, due to the fact that these machines consist of highly complicated mechanisms, and further due to the fact that they were working every minute of the day, this much needed over-haul could not be done, and the machines were kept going with emergency repairs. The committee with the co-operation of the manufacturer of these machines had a service man sent to the Department, with instructions to remain for the duration of the emergency; also, had parts and extra machines that were *loaned* rushed by air express to the Unemployment Division. Consequently, with the full co-operation of the manufacturer these machines are now being kept in continuous operation. Should one of them break down, the machines on loan are ready to fill the gap.

4. The committee found that the morale in the Check Writing Department was very low, due to the fact that the operators of these Check Writing and Bookkeeping Machines had been classified to a rate of about sixty-two (62) cents per hour. Whereby, this type of work in any industrial office today would merit a great deal more, as the operators of these

machines need highly specialized training to insure efficient operation. We strongly urge that these operators be re-classified to a higher bracket, as they are definitely engaged in a highly skilled operation.

5. Last but not least, the way in which the Unemployment Compensation Division and the State Unemployment Service are set up, the coordinator has a great responsibility, but is deprived of any final authority. Consequently, much of the inefficiency in this department could have been corrected, had the proper authority been given. The committee further believes that the coordinator or director of this department should have absolute authority over the personnel in order to achieve and maintain maximum efficiency.

As the back-log of unemployment checks no longer exists, the committee feels that they have successfully completed the work for which they were appointed, and therefore, request that they be discharged.

JESSE R. ROWELL

GEORGE W. ANGUS

FREDERIC H. FLECHER

The report was accepted and ordered printed in the Journal.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and bills to be read by their titles only, and when the House adjourns today, it adjourns to meet Tuesday at 11:00 o'clock.

### Third Readings

House Bill No. 264, An act relating to appointment of probation officers in large towns and cities.

House Bill No. 325, An act relating to operation of motor vehicles while under the influence of intoxicating liquor.

House Bill No. 473, An act relating to appeals in municipal zoning matters.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 40, An act authorizing the Penacook and Boscawen water precinct to issue notes or bonds for water system.

Senate Bill No. 52, An act legalizing school district meeting in the town of Lyneborough held in March, 1949.

Senate Bill No. 70, An act relating to the Couvent de la Presentation de Marie.

Severally read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Kazakis of Manchester at 12:36 o'clock the House adjourned.

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TUESDAY, APRIL 12, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty God, who art interested in the affairs of all men; we come before Thee this morning with the problems of life. If the way to take perplexes us, show us the right way; if the burden we carry is too heavy to bear, strengthen us; if bereavement and sorrow has been our portion, comfort us with a sense of Thy goodness. In this Holy Season, make us more conscious of Thy interest in the things that concern us, and give us a keener vision of our duty to Thee, to ourselves and to others. We ask it in the Name of Christ, Amen.

### Leaves of Absence

Mr. Pushee of Lyme was granted leave of absence for the day on account of attending a funeral.

Mrs. Ramsdell of Nashua and Mr. Geisel of Manchester were granted leave of absence for the day on account of illness.

Messrs. Peever of Salem, Williams of Washington and Perkins of Alton were granted leave of absence for the day on account of important business.

Messrs. Cote of Nashua, Douphinett of Franklin and Elliott of Milford were granted leave of absence for the week on account of illness.

### Committee Reports

Mr. Johnson of Northwood, for the Committee on Executive Departments and Administration, to whom was referred

House Bill No. 114, An act relative to retirement benefits under the firemen's retirement system, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out in the fortieth line the word "increase" and inserting in place thereof the word, modify; further amend by striking out in the forty-third line the following, "65 and over" and inserting in place thereof the following, 64 inclusive; and by adding after the word "valuations" in the same line the following, every third year beginning July 1, 1949; so that said section as amended shall read as follows:

1. *Firemen.* Amend section 15 of chapter 220 of the Revised Laws by striking out the same and inserting in place thereof the following: 15. *Retirement Benefits.* Any permanent fireman who retires or is dismissed from active service as provided in section 13, and who shall have complied with all provisions of this chapter and with the rules and regulations of the board, shall be entitled to receive from said board for each year during the remainder of his natural life, retirement benefits based upon his average actual salary as defined below, and upon the following actuarial retirement table:

Age at Retirement	Retirement Benefit (per cent of salary)
60	36.7%
61	39.0
62	41.5
63	44.1
64	46.9
65	50.0

The average actual salary shall be based upon the total salary earned during the last five years of service previous to the date of retirement or dismissal as determined by the board; but at no time shall retirement benefits exceed one thousand two hundred fifty dollars per year, based upon a maximum assessable yearly salary of two thousand five hundred dollars. The maximum yearly assessable salary shall not apply to those members, who as of the date this section becomes effective earned a yearly salary above two thousand five hundred dollars and were applicants to the chapter at that

time; their retirement benefits shall be based as above upon one-half their total salary earned during the last five years of service to the date of their retirement. This sum shall be paid to the retired member in as nearly equal monthly installments on the first business day of each calendar month. No permanent fireman, who has been retired under the provisions of this chapter, shall be paid for any service performed in the fire department during the time of his retirement unless it be for specific duty during a period of public emergency. The board shall have the right to further modify the actuarial table of rate of retirement benefits accruing to members retiring on account of age, between the ages of 60 to 64 inclusive, based upon periodic actuarial valuations every third year beginning July 1, 1949 of the retirement system.

The report was accepted.

The question being on the amendment.

The reading of the amendment having commenced, Mr. Johnson of Northwood moved that the rules be suspended, and further reading of the amendment be dispensed with.

The question being on the motion.

(Discussion ensued)

Mr. Johnson of Northwood spoke in favor of the motion. On a *viva voce* vote the motion prevailed.

The amendment was adopted, and the bill ordered to a third reading.

Mr. Cater of Somersworth, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 42, An act relative to adoption of rules and regulations by the state board of fire control, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 383, An act relative to powers of the fish and game director, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

### Reconsideration

Mr. Fernald of Rochester moved that the vote whereby the House adopted the resolution of the committee on House Bill No. 383, inexpedient to legislate, be reconsidered.

The question being on the motion to reconsider.

(Discussion ensued)

Mrs. Brungot of Berlin and Mrs. Banfield of Moultonborough, and Messrs. Spaulding of Hudson and Pickett of Keene, spoke for the motion.

Messrs. Fernald of Rochester, Sanborn of Wakefield, and Zimmerman of Keene, spoke against the motion.

Mr. Laraba of Portsmouth moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to reconsider.

On a *viva voce* vote the motion did not prevail.

Mrs. Brungot of Berlin asked for a division.

A division being had, 122 members having voted in the affirmative, and 196 members having voted in the negative, the motion to reconsider did not prevail.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 385, An act relative to membership of the fish and game commission, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mrs. Brungot of Berlin moved that the words, ought to pass be substituted for the resolution of the committee, inexpedient to legislate.

The question being on the motion to substitute.

(Discussion ensued)

Mrs. Brungot of Berlin spoke in favor of the motion.

Messrs. Zimmerman and Turner of Keene, Tolman of Nelson, Whittier of Bethlehem and Fernald of Rochester, spoke against the motion.

Mrs. Brungot of Berlin asked for a division.

A division being had, 63 members having voted in the affirmative, and 228 members having voted in the negative, the motion to substitute did not prevail.

The question being on the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Reconsideration

Mr. Fernald of Rochester moved that the vote whereby the House adopted the resolution of the committee, on House Bill No. 385, inexpedient to legislate, be reconsidered.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 274, An act concerning the recognition of a divorce obtained in another jurisdiction and to make uniform the law with reference thereto, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Rowell of Newport, for the Committee on Labor, to whom was referred House Bill No. 431, An act relative to workmen's compensation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 87, An act relating to the establishment of a civil defense agency, reported the same with the amendment as printed in the Journal of April 7, pages 9, 10 and 11, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriation under the rules.



Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 441, An act relating to the care, treatment and rehabilitation of sexual psychopaths, reported the same with the amendment as printed in the Journal of April 1, pages 7, 8 and 9, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

### Resolutions

Mr. Ramson of Meredith offered the following resolution:

*Whereas*, Edward J. Obert, Sr., Representative from Center Harbor, is confined to his home by illness, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend our greetings to our fellow member with our best wishes for his speedy return to health, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Representative Obert.

On a *viva voce* vote the resolution was adopted.

Mr. Labranche of Franklin offered the following resolution:

*Whereas*, Arthur A. Labranche, Representative from Newmarket, is confined to his home by illness, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend our greetings to our fellow member with our best wishes for his speedy return to health, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Representative Labranche.

On a *viva voce* vote the resolution was adopted.

Mr. Labranche of Franklin offered the following resolution:

*Whereas*, Louis H. Douphinett, Representative from Franklin and Dean of the House of Representatives, is confined to his home by illness, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend our greetings to our fellow member with

our best wishes for his speedy return to health, and be it further.

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Representative Doupchinett.

On a *viva voce* vote the resolution was adopted.

Mrs. Wheeler of Bristol offered the following resolution:

*Whereas*, we have learned with sorrow of the death of Lenne Twombly of Hill, member of the House of Representatives for the sessions of 1931 and 1933, and since that time has served as doorkeeper in the House of Representatives, therefore be it

*Resolved*, That the Speaker appoint a committee of three to submit suitable resolutions, and be it further

*Resolved*, That when the House adjourns today, it be in honor of Mr. Twombly.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members on such committee Mrs. Wheeler of Bristol and Messrs. Chase of Franklin and Corbett of Concord.

### Communication

The Speaker ordered the following resolution printed in the Journal:

### STATE OF MAINE

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*In the year of Our Lord  
One thousand nine hundred and forty-nine*

---

### MEMORIAL

*To the Honorable Senate and House of Representatives of the  
United States of America in Congress Assembled:*

Joint resolution regarding a Constitutional Convention of the United States or amendments to the Constitution of the United States relating to strengthening the United Nations and limited world federal government.

*We*, your Memorialists, the Senate and House of Representatives of the State of Maine in the ninety-fourth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

*Whereas*, War is now a threat to the very existence of our civilization, because modern science has produced weapons of war which are overwhelmingly destructive and against which there is no sure defense; and

*Whereas*, The effective maintenance of world peace is the proper concern and responsibility of every American citizen; and

*Whereas*, The people of the State of Maine, while now enjoying domestic peace and security under the laws of their local, state and federal government, deeply desire the guarantee of world peace; and

*Whereas*, All history shows that peace is the product of law and order, and that law and order are the product of government; and

*Whereas*, The United Nations, as presently constituted, although accomplishing great good in many fields, lacks authority to enact, interpret or enforce world law, and under its present Charter is incapable of restraining any major nations which may foster or foment war; and

*Whereas*, The Charter of the United Nations expressly provides, in Articles 108 and 109, a procedure for reviewing and altering the Charter; and

*Whereas*, Many states have memorialized Congress, through resolutions by their state legislatures or in referenda by their voters, to initiate steps toward the creation of a world federal government; and

*Whereas*, Several nations have recently adopted constitutional provisions to facilitate their entry into a world federal government by authorizing a delegation to such a world federal government of a portion of their sovereignty sufficient to endow it with powers adequate to prevent war; now, therefore, be it

*Resolved*, by the Senate and House of the State of Maine, that application is hereby made to the Congress of the United States, pursuant to Article V of the Constitution of the United States, to give serious consideration to the calling of a convention for the sole purpose of proposing amendments to the Constitution which are appropriate to authorize the United States to negotiate with other nations, subject to later ratification, a constitution of a world federal government, open to

all nations, with limited powers adequate to assure peace, or amendments to the Constitution which are appropriate to ratify any world constitution which is presented to the United States by the United Nations, by a world constitutional convention or otherwise; and be it further

*Resolved*, That the Secretary of State of the State of Maine is hereby directed to transmit copies of this application to the Senate and House of Representatives of the Congress, to the members of the said Senate and House of Representatives from this state, and to the presiding officers of each of the legislatures in the several states, requesting their co-operation,

*House of Representatives:*

Read and Adopted April 1, 1949

Sent up for Concurrence

HARVEY R. PEASE, *Clerk*

*In Senate Chamber:*

April 4, 1949

Read and Adopted

In Concurrence

CHESTER T. WINSLOW, *Secretary*

**United States of America**

**State of Maine**

**Office of Secretary of State**

I, HAROLD I. GOSS, Secretary of State of the State of Maine, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of the Memorial to the Honorable Senate and House of Representatives of the United States of America assembled, with the original thereof, and that it is a full, true and complete transcript therefrom and of the whole thereof.

*In Testimony Whereof*, I have caused the seal of the State to be hereunto affixed.

GIVEN under my hand at Augusta, this eleventh day of April, in the year of our Lord one thousand nine hundred and

forty-nine and in the one hundred and seventy-third year of the Independence of the United States of America.

HAROLD I. GOSS,  
*Secretary of State.*

### **Engrossed Bills Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 52, An act legalizing school district meeting in the town of Lyndeborough held in March, 1949.

Senate Bill No. 68, An act relating to the construction and financing of a new water main in the town of Troy.

Senate Bill No. 70, An act relative to Couvent de la Presentation de Marie.

House Bill No. 11, An act authorizing the Rye school district to borrow money and to issue notes or bonds.

House Bill No. 26, An act relative to public dumps and town appropriations for collection and removal of garbage and other waste materials.

House Bill No. 53, An act relating to non-resident pupils in schools.

House Bill No. 120, An act relating to investments of trustees.

House Bill No. 172, An act relative to regulation of subdivision of land under municipal planning.

House Bill No. 235, An act relating to the fees of bail commissioners.

House Bill No. 253, An act relating to parking of motor vehicles.

House Bill No. 317, An act relative to larceny.

House Bill No. 337, An act relating to town officers' associations.

House Bill No. 382, An act legalizing the school meeting in the town of South Hampton.

House Bill No. 396, An act relating to checklists in the city of Berlin.

House Bill No. 430, An act relative to the reclassification of a road in the town of Milton.

The report was accepted.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 378, An act relating to binder chains on loads of logs, lumber and timber, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Motor Trucks, Trailers.* Amend chapter 119 of the Revised Laws by inserting after section 39 the following new section: 39-a. *Binder Chains.* No motor truck, trailer or semi-trailer, while being used to transport a load of logs, lumber or timber, the height of which with load is greater than eight feet and the length of whose load is greater than

On motion of Mr. Myhaver of Peterborough the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 227, An act relating to the practice of embalming and funeral directing, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Qualifications.* Amend section 13 of chapter 168 of the Revised Laws by striking out said section and inserting in place thereof the following:

On motion of Mr. Simoneau of Laconia the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 235, An act relating to the fees of bail commissioners.

House Bill No. 317, An act relative to larceny.

House Bill No. 382, An act legalizing the school meeting in the town of South Hampton.

House Bill No. 396, An act relating to checklists in the city of Berlin.

House Bill No. 417, An act relative to taxation of property.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works.

Amend section 2 of the bill by striking out the whole of said section and substituting in place thereof the following:

2. *Takes Effect.* This act shall not take effect unless adopted by a majority vote under a proper article in the warrant at a special town meeting which shall be called by the selectmen for the purpose on or before September 1, 1949.

On motion of Mr. Gardner of Littleton the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 199, An act providing for additional appropriations for certain departments for the fiscal year ending June 30, 1949.

Amend House Bill No. 199 by striking out Section 1, of said bill and inserting a new Section 1, as follows:

1. *Deficiency Appropriations.* The sum of three hundred twenty thousand seven hundred eighty-six dollars and seventy-one cents is hereby appropriated to meet deficits as follows: For forestry and recreation, forest fire bills to towns, twenty-seven thousand five hundred dollars; for state treasury, for bounties, ten thousand dollars, for highway division of the treasury for current expenses,

two thousand dollars; for treasury general current expenses, two thousand dollars; for longevity for state employees, two thousand dollars; for employees retirement system, normal contribution, forty thousand nine hundred and fifty dollars; for adjutant general, eighteen thousand seven hundred dollars; for superintendent of buildings and grounds, seven thousand one hundred thirty-six dollars and seventy-five cents; for cancer commission, thirty-five thousand dollars; for state police, twenty thousand dollars; for comptroller, one thousand dollars; for executive department, emergency fund, one hundred forty-two thousand dollars; for constitutional convention, seven thousand five hundred dollars; for New Hampshire war records committee, five thousand dollars. Total deficiency appropriation, three hundred twenty thousand seven hundred eighty-six dollars and seventy-one cents. Two thousand dollars to be a charge upon the highway funds. Three hundred eighteen thousand seven hundred eighty-six dollars and seventy-one cents to be a charge upon funds not otherwise appropriated. The Governor is hereby authorized to draw his warrant for the sums as above appropriated.

On motion of Mr. Bell of Plymouth the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 336, An act relating to payment of poll taxes.

Amend section 1 of the bill by striking out the word "three," following the word "preceding" in line seven of said section.

Further amend by changing the word "taxes" in line seven to the word tax, and by changing the word "years" in line eight to the word year; so that said section as amended shall read:

1. *Poll Taxes.* Amend section 3, chapter 116, Revised Laws, as amended by section 1, chapter 105, Laws of 1947 by striking out said section and inserting in place thereof the following: 3. *Payment of Poll Tax Required.* No person shall be entitled to register a motor vehicle, or to obtain an operator's license for the same, or to secure a hunting and



fishing or trapping license, without showing to the issuing officer a tax collector's receipt for the payment of any poll tax for which he is liable for the preceding year, or, make oath or affirmation under the pains and penalties of perjury that he has paid such taxes or has been lawfully relieved from such payment by reason of exemption or abatement; provided, however, that a permit or license may be issued if the selectmen or assessors certify that, in their opinion, the applicant should be granted such permit or license even though the taxes have not been paid.

On motion of Mr. Killeen of Walpole the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 452, An act relative to airport managers and their powers and duties.

Amend section 3 of the bill by striking out the same and inserting in place thereof the following:

3. *Takes Effect.* This act shall take effect June 1, 1949.

On motion of Mr. Brown of Laconia the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

A message from the Honorable Senate, by its Clerk, announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

The Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 65, An act legalizing certain proceedings for meetings in the town of Greenfield.

Senate Bill No. 66, An act legalizing certain meetings in the town of Frankestown.

Senate Bill No. 73, An act in relation to the assessment of taxes.

**Senate Bills Read and Referred**

Senate Bill No. 65, An act legalizing certain proceedings for meetings in the town of Greenfield.

Senate Bill No. 66, An act legalizing certain meetings in the town of Francestown.

Severally read a first and second time and referred to the Committee on Municipal and County Government.

Senate Bill No. 73, An act in relation to the assessment of taxes.

Read a first and second time and referred to the Committee on Executive Departments and Administration.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time.

**Third Readings**

House Bill No. 114, An act relative to retirement benefits under the firemen's retirement system.

House Bill No. 274, An act concerning the recognition of a divorce obtained in another jurisdiction and to make uniform the law with reference thereto.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 42, An act relative to adoption of rules and regulations by the state board of fire control.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Zimmerman of Keene at 12:55 o'clock the House adjourned.

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WEDNESDAY, APRIL 13, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty and Everlasting God, Maker and Ruler Supreme, we bow in humble reverence before Thy throne; we acknowledge Thy majesty and power; we invoke Thy blessing upon the work of this day. Direct us, O Lord, in all that we

do and say in this legislative work, with Thy most gracious favor, and further us with Thy continual help; that in all our works begun and continued in Thee, we may glorify Thy Holy Name and increase the welfare of our state; through Jesus Christ our Lord. Amen.

### Opinion of Supreme Court

The Speaker read the following opinion of the Supreme Court and ordered same printed in the Journal:

#### *To the House of Representatives:*

The undersigned Justices of the Supreme Court have considered the inquiry contained in your resolution with reference to House Bill No. 164, entitled: "An Act Relating to the General Exemption from Property Taxes of Certain Privately-Owned Airports," and submit this opinion in answer thereto.

Section one of the bill is a legislative declaration of purpose and finding "that use by the public of certain privately-owned airports is necessary for the proper operation of the state airways system and that the encouragement of the owners of such airports to make them available for public use is therefore desirable." Section two of the bill provides as follows: "The owner of a privately-owned airport having facilities available for public use who holds, as of April first of any year, a license for such airport from the New Hampshire Aeronautics Commission, shall be exempt for each such year from taxation of the landing area used in connection with such airport."

The bill must be considered in the light of existing legislation. The state airways system consists of all air navigation facilities ". . . available for public use . . . whether publicly or privately owned" for which the ". . . expenditure of state funds . . . serves a useful public purpose." R. L. c. 306, s. 12 as amended by Laws 1947, c. 281, s. 3. Such legislation was considered valid in *Opinion of the Justices*, 94 N. H. 513, 515. The public aspects of licensed private airports which "have facilities available for public use and are necessary . . . for the maintenance of an effective airway system in the state" are equally evident in Laws 1949, c. 53. Such an airport "shall be deemed to be a publicly-owned airport for the purposes of airport zoning . . ." R. L., c. 51, s. 80-a; Laws 1949, c. 53,

s. 2. The history of aviation in the last quarter of a century here and elsewhere indicates that it is considered as being a public use serving a public purpose. *R. L., c. 306, ss. 13, 14; Hesse v. Rath*, 249 N. Y. 436, 443; *C & S Air Lines v. Waterman Corp.*, 333 U. S. 103.

If the proposed bill is a general exemption from property taxes as stated in the title, there is no question as to its validity. "There is no doubt that the legislature may provide, by general laws, for the exemption of certain classes of property from taxation, as well as exempt it, in fact, by omitting it in the description of property required to be taxed." *Brewster v. Hough*, 10 N. H. 138, 142. This principle of classification of property to be taxed made exactly one hundred years ago has never "been questioned." *Opinion of the Justices*, 76 N. H. 609, 611. "Inequality of taxes laid is forbidden, but inequality caused by taxing some property and not taxing other is permitted." *Opinion of the Justices*, 82 N. H. 561, 574. In the selective process of classifying certain property for taxation and exempting other property the Legislature has a wide discretion which will be sustained "provided just reasons exist for the selection made." *Opinion of the Justices*, 94 N. H. 506, 508, 509.

If the proposed bill in fact is a special exemption, it is unlike the one in *Eyers Woolen Co. v. Gilsum*, 84 N. H. 1 which applied to one party in one town resulting only in indirect public benefit. Considering the bill to be one creating a special exemption in a limited sense, it is valid because it advances a public purpose within the admitted scope of the police power. Other exemptions no more public have been sustained. *R. L., c. 73, s. 15; Opinion of the Justices*, 87 N. H. 490; *Opinion of the Justices*, 88 N. H. 501, 510, 511; *Opinion of the Justices*, 94 N. H. 515.

In the present case the benefit to the public is not only considered by the Legislature to be direct but the private airport owner is required in effect to dedicate his property to public use as a condition to receiving the tax exemption whether it is general or special. These factors further distinguish the invalid tax exemption considered in *Eyers Woolen Co. v. Gilsum*, 84 N. H. 1, 27.

The proposed exemption is not proscribed by the provisions of Art. 5 of the Constitution which were added by the

amendment of 1877. The limitation thereby imposed is upon legislative power to authorize gifts by towns to corporations organized for profit. It does not extend to the authority of the Legislature by its own act to provide a uniform exemption of state-wide application such as is proposed by this bill.

The greater extent to which the Legislature allows tax exemptions must necessarily result in a greater burden on those who do pay taxes. While such inequality presents no constitutional question if "it reasonably promotes a matter of the general welfare" (*Rosenblum v. Griffin*, 89 N. H. 314, 321), it does involve a delicate problem for the Legislature in its efforts to obtain needed revenues upon a broad tax base that operates fairly on most of the public. That the problem has been considered, if not solved, appears from Laws 1947, c. 328 and Laws 1947, c. 327.

While we do not pass on the wisdom or advisability of the proposed bill, it may be helpful to note that the bill as drafted is unnecessarily ambiguous. It may not be clear to either the taxpayer or the tax collector whether (1) the exemption is limited to the "landing area" with or without buildings thereon and (2) whether such area is available for public use upon payment of fees or is to be "free" as provided in Maine Laws 1947, c. 241. Such confusion is "not helpful either to property owners or taxing officials" (*Palmer v. Coulombe*, 95 N. H. 266, 269) and should be resolved if the Legislature passes the bill.

Your inquiry concerning House Bill No. 164 is answered in the affirmative.

OLIVER W. BRANCH  
FRANCIS W. JOHNSTON  
FRANK R. KENISON  
LAURENCE I. DUNCAN  
AMOS V. BLANDIN, JR.

April 12, 1949.

#### Leaves of Absence

Mr. Williams of Washington was granted a leave of absence for the day on account of illness.

Messrs. Astles of Contoocook and Crosby of Hillsborough were granted leave of absence for the day on account of important business.

Mr. Geisel of Manchester was granted leave of absence for the remainder of the week on account of illness.

### Introduction of Bill

The following bill was introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Bill No. 501, An act to revise the charter of the city of Concord. To the Special Committee composed of the members of the Concord delegation.

### Committee Reports

Mr. Johnson of Northwood, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 341, An act relative to so-called write-in political candidates, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 424, An act relative to registration of boats and outboard motors, reported the same, in new draft, with the recommendation that the bill, in its new draft, be recommitted to the Committee on Transportation.

The report was accepted, the bill, in its new draft, read a first and second time, laid upon the table to be printed and recommitted to the Committee on Transportation.

Mr. Foote of Portsmouth, for the Committee on Liquor Laws, to whom was referred House Bill No. 231, An act relating to the rules and regulations of the liquor commission, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 422, An act relative to trespassing on posted land, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Goodwin of Hollis, for the Committee on Public Welfare, to whom was referred Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution referred to the Committee on Appropriations, under the rules.

Mr. Russell of Sunapee, for the Special Committee consisting of the delegation from the county of Sullivan, to whom was referred House Bill No. 150, An act relative to the salary of the solicitor of Sullivan county, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Mason of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 497, An act establishing a New England Development Authority, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill referred to the Committee on Appropriations, under the rules.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 428, An act relative to purchases by the purchasing agent, reported the same with the recommendation that the bill, in new draft, be re-committed to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and recommitted to the Committee on Judiciary.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendment offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 64, An act pertaining to the practice of dentistry.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 185, An act relating to photographic copies of documents and records.

Amend section 1 of the bill by striking out the whole of said section and substituting in place thereof the following:

1. *Photographic Copies of Documents and Records.* Amend chapter 392 of Revised Laws by adding immediately after section 35 thereof, the following new section:

36. *Photographic Copies of Documents and Records.* Copies of public records, documents and entries including the records, documents and entries of every department, board, commission, registry or office of the state or of any county, city or town, and copies of records, documents and entries of any parish, church, hospital, insurance company, bank, trust company or building and loan association, whether or not such records, documents and entries or the copies thereof are made by the photostatic, photographic or microphotographic process, shall, when duly certified by the person in charge of the original records, documents and entries, be admitted in evidence to the same extent as the original in any action, proceeding or matter of a civil or criminal nature, in or before any court, commission or administrative agency in this state.

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 4, An act providing for notice to mortgagee by the tax collector.

Amend the bill by striking out all after the enacting clause and substituting in place thereof the following:

1. *Collection of Taxes.* Amend section 25 of Chapter 80, Revised Laws, as amended by chapter 187, Laws of 1947, by



striking out the whole of said section and inserting in place thereof the following: 25. *Notice to Mortgagee*. The purchaser of any real estate sold by a collector of taxes shall, within thirty days from the date of such sale, notify all persons holding mortgages upon such property as recorded in the office of the register of deeds. Whenever a town becomes such a purchaser and the selectmen thereof determine that one or more outstanding mortgages exist, they may direct the collector of taxes to give such notice to any mortgagee, and the collector shall thereupon be entitled to receive the same fees as provided in section 30 for notifying any mortgagee of a payment after sale. Such notice shall give the date of the tax sale, the name of the delinquent taxpayer, the total amount for which said real estate was sold and the amount of costs for notifying mortgagees. As provided in section 30 of this chapter, the tax collector shall send a similar notice to any mortgagee within fifteen days of the time of payment of any subsequent tax thereon by the purchaser. Any tax sale of such encumbered real estate shall be void as against any mortgagee and no tax collector's deed based on said sale shall be valid unless the mortgagees shall have been notified in the manner provided in section 26, but the tax and any subsequent tax payments made upon the property by the purchaser, duly recorded under the provisions of section 30, shall be collectible and payment may be enforced by suit under the provisions of section 43.

On motion of Mr. Shedd of New Boston the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 77, An act relative to revocation of the city manager law by a city.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to revocation of the city manager law by the city of Keene.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *City of Keene.* At any time prior to September, 1949 upon petition therefor by ten per cent of the legal voters as determined by the check list used at the municipal election of 1948, the board of mayor and aldermen and the city councils of the city of Keene shall call a special city meeting to be held within thirty days from the date of the receipt of such petition. Said meeting shall be called for the purpose of ascertaining whether the city will rescind its action in adopting the provisions of chapter 67 of the Revised Laws. The city clerk shall prepare the ballots for use at said special city meeting and on said ballot shall be the question "Shall the city rescind its action in adopting the provisions of the city manager act?" Following the question there shall be printed squares wherein the voter may clearly indicate his choice. At such special meeting the check list which was used at the last preceding municipal election shall be used. If a majority of the voters of the city of Keene present and voting at said special meeting shall vote to revoke the city manager form of government, the form of government of said city shall revert to that in effect prior to the adoption of said chapter 67 of the Revised Laws. Provided further that no acts done or obligations incurred by the city manager of Keene prior to such revocation shall be affected thereby.

2. *Takes Effect.* This act shall take effect upon its passage.

Mr. Pickett of Keene moved that the House concur in the amendment sent down from the Honorable Senate.

The question being on the motion.

(Discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.

Messrs. Zimmerman, Aldrich and Turner of Keene, spoke against the motion.

On a *viva voce* vote the Chair was in doubt.

The Chair called for a division.

A division being had, 138 members having voted in the affirmative, and 178 members having voted in the negative, the motion to concur did not prevail.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on En-

grossed Bills, to the following House bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Purchase of Milk.* Amend section 1 of chapter 195 of the Revised Laws by striking out said section and inserting in place thereof the following: 1. *License.* Every person who purchases milk or cream from producers within this state, to be either resold as milk or cream, or manufactured into other dairy products, shall first obtain a

Amend section 4 of said bill by striking out the words "pay agreement" in the fourth line.

Amend section 5 of said bill by striking out said section and inserting in place thereof the following:

5. *Licenses.* Amend section 14 of chapter 195 of the Revised Laws by striking out said section and inserting in place thereof the following: 14. *Suspension of License.* Upon breach of the condition of a bond, mortgage or other security, as provided in section 12, or failure to comply with the provisions of section 1 relative to furnishing satisfactory evidence of payments for purchases of milk or cream, the commissioner of agriculture may suspend the license of such licensee for such time as he may deem necessary.

Further amend said bill by inserting after section 5 the following new section:

6. *Further Requirements.* Amend section 9 of chapter 195 of the Revised Laws by striking out the word "therefor" in the first line and inserting in place thereof the word, for purchases of milk or cream, so that said section as amended shall read as follows: 9. *Statements of Quantity.* At the time payment is made for purchases of milk or cream, such licensee shall furnish to each payee a statement of the quantity delivered or furnished by him during the period covered by the payment so made, together with the price allowed for the same.

Further amend said bill by renumbering section 6 to read section 7.

On motion of Mr. Connor of Henniker the House concurred by the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate has passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 56, An act relative to the validation of certain instruments of conveyance.

### Senate Bill Read and Referred

Senate Bill No. 56, An act relative to the validation of certain instruments of conveyance.

Read a first and second time, and referred to the Committee on Judiciary.

### Resolutions

Mr. Wedick of Manchester offered the following resolution:

*Whereas*, Pierre F. Cote, Representative from Nashua, is confined to his home by illness, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend our greetings to our fellow member with our best wishes for his speedy return to health, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Representative Cote.

On a *viva voce* vote the resolution was adopted.

\* On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time.

### Third Reading

House Bill No. 150, An act relative to the salary of the solicitor of Sullivan county.

Read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Amadon of Keene at 11:55 o'clock the House adjourned.

THURSDAY, APRIL 14, 1949

The House met according to adjournment.

Prayer was offered by Rev. Thomas C. Roden, Pastor of the Congregational Church, Pelham, as follows:

Oh, Thou who hath seen civilization rise and fall.

Help us who have a share in the decisions of our time to so make such decisions that we may aid our time and our children's time. Amen.

### Leaves of Absence

Mr. Williams of Washington was granted leave of absence for the day on account of illness.

Messrs. Peever of Salem and Carr of Northfield were granted leaves of absence for the day on account of important business.

Mr. Green of Rollinsford was granted leave of absence for the week of April 19, on account of important business.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 502, An act legalizing town meeting held March 8, 1949 in Littleton. To the Committee on Judiciary.

By the Committee on Rules, House Bill No. 503, An act legalizing school district meeting held March 8, 1949 in Harrisville. To the Committee on Municipal and County Government.

By the Committee on Rules, House Bill No. 504, An act relative to aliens. To the Committee on Municipal and County Government.

### Printing Dispensed With

The Committee on Rules moved that the rules be suspended, and printing of House Bill No. 503 be dispensed with.

On a *viva voce* vote the motion was adopted.

### Appropriation Committee Report

On motion of Mr. Atherton of Nashua, a special report of the Committee on Appropriation was ordered printed in the Journal as part of the Appendix.

### Reconsideration

Mr. Angus of Claremont moved that the vote whereby the House referred to concur in the Senate amendment to House Bill No. 77, be reconsidered.

The question being on the motion to reconsider.

(Discussion ensued)

Messrs. Turner and Aldrich of Keene spoke against the motion.

Mr. Pickett of Keene spoke in favor of the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Pickett of Keene demanded the Yeas and Nays, but subsequently withdrew his demand.

Mr. Remick of Tamworth, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 487, An act relating to the Northeastern Interstate Forest Fire Compact, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 3 of the bill by striking out in the sixth, seventh, and eighth lines, the words, "who is also a member of the commission on interstate co-operation designated by said commission," so that said section as amended shall read as follows:

3. *Commission.* After the aforesaid compact shall become operative and effective as provided for in section 2, the governor with the advice and consent of the council shall appoint three members hereinafter called commissioners of the Northeastern Forest Fire Protection Commission. One of such commissioners shall always be the state forester, the second shall be a member of the legislature and the third shall be a citizen of the state designated by the governor as his responsible representative to serve at the pleasure of the governor.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 389, An act relating to the transportation of pupils to and from the public schools and making an appropriation therefor, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 404, An act relating to New England College, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 467, An act relating to transporting of pupils to and from the public schools, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 35, An act relative to taking beaver and racoon, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 310, An act relating to taking raccoons, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Washburn of Bartlett moved that House Bill No. 310 be recommitted to the committee.

The question being on the motion.

(Discussion ensued)

Mr. Fernald of Rochester spoke in favor of the motion. On a *viva voce* vote the motion to recommit prevailed.

Mr. Johnson of Northwood, for the Committee on Executive Departments and Administration, to whom was referred Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass:

Amend said joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That a commission of five members be appointed as hereinafter provided, to study the laws of the state regulating or pertaining to public utilities. Said commission shall be appointed by the governor with the advice and consent of the council prior to August 1, 1949. Vacancies occurring shall be filled in the same manner. Said commission shall make a careful study of present laws regulating or pertaining to public utilities and of the need or advisability of further legislation relating thereto for the purpose of protecting the interests of all interested parties. Said committee shall have full power and authority to require from the several departments, agencies and officials of the state, cities and towns, and from individuals, partnerships and corporations, such information and assistance as it may deem necessary for the purposes of the commission. The members of said commission shall serve without compensation. Said commission shall report its findings and recommendations, together with any proposed legislation necessary to carry out its recommendations to the next regular session of the legislature, during the first week of said session.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.



Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred Senate Bill No. 46, An act relating to the laying out of class I and II highways, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred Senate Bill No. 30, An act authorizing the superior court to appoint auditors in certain actions at law, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Bigelow of Pelham, for the special committee consisting of the delegation from the county of Hillsborough, to whom was referred Senate Bill No. 47, An act relative to the salaries of the commissioners of Hillsborough County, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Hillsborough County.* Amend section 27 of chapter 47 of the Revised Laws, as amended by chapters 119, 150, 195 and 202 of the Laws of 1943, by section 1 of chapters 66 and 163 of the Laws of 1945, by section 1 of chapter 202 and 284 of the Laws of 1947 and by chapter 73 of the Laws of 1949, by striking out said section and inserting in place thereof the following: 27. *Commissioners.* The annual salary of each commissioner of the following counties shall be as follows, payable monthly by the county:

In Rockingham, fifteen hundred dollars.

In Strafford, twelve hundred dollars.

In Belknap, twelve hundred dollars.

In Merrimack, fifteen hundred dollars.

In Hillsborough, three thousand dollars.

In Cheshire, fifteen hundred dollars.

In Sullivan, ten hundred dollars.

In Grafton, ten hundred dollars.

In Coos, fifteen hundred dollars.

In Carroll county each commissioner, when employed in the business of the county, shall receive eight dollars a day, payable as hereinbefore provided. To the foregoing sums shall be added, in all the counties, a reasonable sum for all necessary expenses, upon order of the county auditors.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Bigelow of Pelham, for the Special Committee consisting of the delegation from the County of Hillsborough, to whom was referred House Joint Resolution No. 4, Joint resolution relative to investigation of county affairs of Hillsborough County, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Gagnon of Manchester moved that the words ought to pass, be substituted for the resolution of the committee, inexpedient to legislate.

The question being on the motion to substitute.

(Discussion ensued)

Mr. Gagnon of Manchester spoke in favor of the motion.

Messrs. Spaulding of Hudson, Paquette of Nashua and Barry of Wilton, and Mrs. Cooper of Nashua, spoke against the motion.

Mr. Pickett of Keene moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

On a *viva voce* vote the motion to substitute did not prevail.

A division being had, the vote was declared manifestly in the negative, and the motion to substitute did not prevail.

The question being on the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution was adopted.

Mr. Crandall of Dover, for the Special Committee consisting of a delegation from the city of Dover, to whom was referred House Joint Resolution No. 26, Joint resolution rela-

tive to operation of Bellamy Park in Dover, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend said joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of twenty-five hundred dollars (\$2,500) be and the same is hereby appropriated for the year 1950 and a like sum for the year 1951 for the purpose of development and operation of Bellamy Park in Dover as a state park. The sums hereby appropriated shall be expended under the direction of the forestry and recreation commission and the governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

The report was accepted.

The question being on the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Stocklan of Dover asked for a division.

(Discussion ensued)

Messrs. Smalley, Gouin, and Stocklan of Dover, and Mr. Sanborn of Wakefield, spoke in favor of the amendment.

A division being had the vote was declared manifestly in the affirmative, the amendment was adopted, and the bill referred to the Committee on Appropriations, under the rules.

### Reconsideration

Mr. Spaulding of Hudson moved that the House reconsider the vote whereby it voted as inexpedient to legislate, House Joint Resolution No. 4.

On a *viva voce* vote the motion to reconsider did not prevail.

### Resolutions

Mr. Martel of Manchester offered the following resolution:

*Whereas*, Good Friday occurring April 15th, and

*Whereas*, being publicly mindful and fully appreciative on this significant and eventful anniversary.

The members of the House of Representatives do and hereby resolve to observe at the present moment a one-minute period of silent prayer to commemorate the sufferings and the

death of Our Lord, Jesus Christ, on the Cross, for the salvation of mankind.

On a *viva voce* vote the resolution was adopted, and the House rose and observed one minute of silence.

Mrs. Read of Plainfield offered the following resolution:

*Whereas* the House of Representatives has pending before it House Bill No. 320, An act relating to the extermination of wild boars in the counties of Sullivan and Grafton;

*And Whereas* wild boars were first introduced into this State by the Blue Mountain Forest Association, a business corporation, in 1895 at Corbin Park in the towns of Grantham, Cornish, Plainfield, Croydon and Newport;

*And Whereas* wild boar have from time to time escaped through the fence surrounding said park and have increased their number by breeding outside the park and also inside the park, entering and departing from the park freely through holes in the fences;

*And Whereas* said wild boars which are at large and their progeny have caused extensive damage to the lands and crops of farmers in the area surrounding said park and are now causing such damage;

*And Whereas* the wild boar is not a native animal in this State in the ordinary nature of things;

*And Whereas* the House of Representatives desires information concerning the necessity and expediency of acting favorably upon House Bill No. 320;

*Resolved*, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

1. Is the Blue Mountain Forest Association liable by any action at common law to the owners of farm lands who have suffered damage as a result of the depredations of these wild boars?

2. Must negligence on the part of said Forest Association be proved in such cases in order to establish liability?

3. Are there any circumstances limiting the liability of said Forest Association, provided the answer to the first question is in the affirmative?

*Further Resolved*, That the Speaker transmit a copy of this resolution and of House Bill No. 320, to the Clerk of the Supreme Court for consideration by the Justices of said Court.

The question being on the resolution.

(Discussion ensued)

Mrs. Read of Plainfield spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

Mr. English of Hancock offered the following resolution.

*Resolved*, That the Clerk be requested to procure 10,000 copies of a statement to be placed in a convenient container for distribution to visitors in the House gallery, said statement being as follows:

### To Our Visitors

A hearty welcome.

What you are observing is the New Hampshire House of Representatives. This body, together with the Senate (which is in a room behind the Speaker's desk), makes the laws for the state.

Early in the session proposals for laws are introduced, chiefly in the form of bills. To facilitate careful study, these are referred to committees. Hearings are scheduled; and at these, the public can have their say, pro and con. Here is where most of the legislative activities occur. Sitting like a court, the committee weighs the evidence and reports to the House.

You are probably hearing today the Speaker read these reports. You may be lucky enough to hear some lively debate. This happens usually when a committee has been unable to come to agreement.

The House as you see it is more attentive than you think. They listen with one ear for any break in the routine, and you may have a chance to see how quickly they react to important developments that may come up.

Don't worry if you don't hear any yeas or nays when the Speaker asks for a vote. He often doesn't hear any either. The yeas win on silent votes—by tradition.

These few words won't answer all your questions. Many of the persons you find walking about are members of the

House. The questions you have in your mind they may be able to answer — why not ask them?

The question being on the resolution.

(Discussion ensued)

Mr. English of Hancock spoke in favor of the resolution.

On motion of Mr. English of Hancock the resolution and statement was laid upon the table.

Mr. Laraba of Portsmouth offered the following resolution:

*Whereas* Thursday, April 28th is Fast Day, a legal holiday in this State,

*Resolved* that the working days of the House of Representatives during such week shall be Monday, Tuesday and Wednesday, April 25, 26 and 27 respectively.

On a *viva voce* vote the resolution was adopted.

Mr. Barney of Rumney offered the following resolution:

*Resolved* that the Clerk procure an additional 1,200 copies of House Bill No. 499, An act relating to forest conservation and taxation.

On a *viva voce* vote the resolution was adopted.

Mr. Connor of Henniker offered the following resolution:

*Resolved*, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law relating to House Bill No. 393, An act creating a state Apple Commission:

1. Is it constitutional to have an excise tax or assessment as specified in Section 4 to be used for the purposes set forth in Section 3 entitled Powers and Duties of the Commission?

2. Is it constitutional to provide that a private organization shall furnish a list of candidates from which the Governor must choose the members of the Commission as provided in Section 2 entitled State Apple Commission?

3. Is it constitutional for the Commission to cooperate with other state, regional, and national agricultural and horticultural organizations and use monies for the purposes specified in section 3, sub-section III?

*Further Resolved*, That the Speaker transmit a copy of this Resolution and of House Bill No. 393 to the Clerk of the Supreme Court for consideration by the Justices of said Court.

On a *viva voce* vote the resolution was adopted.

Messrs. Blake of Swanzey and Lang of Troy offered the following resolution:

*Whereas*, Benjamin G. Hall, Representative from Marlboro, is confined to a hospital by illness, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend our greetings to our fellow member with our best wishes for his speedy return to health, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Representative Hall.

On a *viva voce* vote the resolution was adopted.

### **Concurrent Resolution**

Mr. Connor of Henniker offered the following concurrent resolution:

Concurrent resolution memorializing Congress concerning the New Hampshire Rural Rehabilitation Corporation.

*Whereas* on or about July 12, 1935 the New Hampshire Rural Rehabilitation Corporation entered into an agreement through the rural resettlement corporation with the United States Department of Agriculture whereby all the assets of the said New Hampshire Rural Rehabilitation Corporation, were transferred in trust to said United States Department of Agriculture and

*Whereas* the sum of approximately one hundred twenty-eight thousand seven hundred one dollars and ninety-two cents was received by the United States Department of Agriculture under said agreement and

*Whereas* said sum remains in the possession of said United States Department of Agriculture and

*Whereas* the state of New Hampshire is now particularly anxious to have the trust terminated and the money and property returned to it,

*Now Therefore Be It Resolved by the Senate and House of Representatives in General Court convened:*

*That* we do hereby petition the Congress of the United States of America for the passage of an act similar to House Resolution No. 5905 introduced by Representative Cooley in the second session of the Eightieth Congress of the United States and

*Be It Further Resolved,* That a copy of this resolution be transmitted by the Secretary of State to the Senators and Representatives in Congress from the state of New Hampshire and that they, and each of them, be requested to use all honorable means within their power to bring about the enactment of legislation similar to the aforesaid House Resolution No. 5905.

The resolution was referred to the Committee on Agriculture.

### **Engrossed Bills**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had found correctly engrossed the following entitled bills:

Senate Bill No. 40, An act authorizing the Penacook and Boscawen water precinct to issue notes or bonds for water system.

Senate Bill No. 42, An act relative to adoption of rules and regulations by the state board of fire control.

House Bill No. 64, An act pertaining to the practice of dentistry.

House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works.

The report was accepted.

### **Message From the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 240, An act in relation to marriages.

House Bill No. 289, An act relative to exemptions from attachment.



The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 227, An act relating to the practice of embalming and funeral directing.

House Bill No. 378, An act relating to binder chains on loads of logs, lumber and timber.

The message also announced that the Senate had passed the following resolution, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 11, Joint resolution concerning a bridge in the town of Warner.

### **Resolution Read and Referred**

Senate Joint Resolution No. 11, Joint resolution concerning a bridge in the town of Warner.

Read a first and second time and referred to the Committee on Public Works.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that when the House adjourns today, it adjourn to meet Tuesday at 11:00 o'clock.

### **Third Readings**

House Bill No. 404, An act relating to New England College.

Read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 30, An act authorizing the superior court to appoint auditors in certain actions at law.

Senate Bill No. 46, An act relating to the laying out of Class I and II highways.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

Senate Bill No. 47, An act relative to the salaries of the commissioners of Hillsborough county.

Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

Severally read a third time and passed, and sent to the Senate for concurrence in the amendments.

On motion of Mr. Converse of Pittsburg at 12:35 o'clock the House adjourned.

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TUESDAY, APRIL 19, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, Who by the joy of Easter hast brought new hope to a disordered world; teach us, Thy children, to understand the purpose of the life that Thou hast given us. Help us, Almighty God, to experience in our daily life the Spirit of Easter; that we may rise from the tomb of narrowness to a life of tolerance and understanding among our fellows, from the grave of selfishness to interest in the welfare of all mankind. Strengthen our valor in all conflicts of this mortal life, that we Thy immortal sons and daughters, may come at last to the glory of Thy eternal Kingdom. Amen.

### Leaves of Absence

Messrs. Waterhouse of Windham, Nicholl of Bow, Rancour of Canterbury and Suosso of Concord were granted leave of absence for the day on account of important business.

Messrs. Geisel and Ecker of Manchester and Ferguson of Pittsfield were granted leave of absence for the day on account of illness.

Messrs. Douphinett of Franklin and Elliott of Milford were granted leave of absence for the week on account of illness.

Messrs. Myhaver of Peterborough and Pillsbury of Manchester were granted leave of absence for the week on account of important business.

Mr. Amadon of Keene was granted leave of absence for the week on account of death in the family.

Mr. Cummings of Peterborough was granted leave of absence for May 10, 11, and 12 on account of important business.

### Address of Governor

On motion of Mr. Atherton of Nashua the radio address of His Excellency, the Governor, was ordered printed in the appendix of the Journal.

### Committee Reports

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred Senate Bill No. 60, An act relating to the change of name of the Hampton Co-operative Building and Loan Association, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Jones of Lebanon, for the Committee on Judiciary, to whom was referred House Bill No. 301, An act establishing a domestic relations court within the framework of the superior court, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee.

Mr. Martel of Manchester moved that the words, ought to pass be substituted for the resolution of the committee, inexpedient to legislate.

The question being on the motion to substitute.

Messrs. Martel of Manchester and Lea of Pembroke spoke in favor of the motion.

Messrs. Turner of Keene, Sawyer of Concord and Jones of Lebanon spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Jones of Lebanon, for the Committee on Judiciary, to whom was referred House Bill No. 302, An act relative to reconciliation proceedings before divorce, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee inexpedient to legislate.

Mr. Martel of Manchester moved to substitute the words, ought to pass for the resolution of the committee, inexpedient to legislate.

The question being on the motion to substitute.

(Discussion ensued)

Mr. Martel of Manchester spoke in favor of the motion.

Messrs. Laraba of Portsmouth and Jones of Lebanon, and Mrs. Cooper of Nashua, spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the resolution of the committee inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Sullivan of Manchester, Ward 7, for the Special Committee consisting of the delegation from the city of Manchester, to whom was referred House Bill No. 113, An act relating to the surveyor of the city of Manchester, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 1 of the bill by striking out the words "police commission" in the thirteenth line and inserting in place thereof, the words, board of aldermen, so that said section as amended shall read as follows:

1. *Duties.* Amend chapter 202 of the Laws of 1921 as amended by chapter 273 of the Laws of 1921 by striking out section 5 and inserting in place thereof the following: Sect. 5. The surveyor shall have full charge, supervision, management and control of the building, constructing, repairing and maintaining of all highways and sewers, the developing, improving and maintaining of city yards, and the maintaining and carrying on of street cleaning; he shall have the expenditure of all appropriations which the board of mayor and aldermen shall from year to year vote for such purposes (with the approval of the commissioners and the finance commission) and all bills and pay rolls for expenditures from the appropriations voted from year to year by said board of mayor and aldermen for

such purposes shall be certified to by the surveyor and approved by the commissioners before the same are paid by the city treasurer. The surveyor shall (subject to the approval of the board of aldermen) have the authority and power to regulate the traffic and travel upon the highways of said city. The surveyor shall have the authority and power to regulate the placing of encumbrances in, and the opening and excavating in the highways of said city, he shall further have the power to regulate the construction and maintenance in, over, under and along the highways of said city, of all wires, pipes, poles and other structures (excepting electric signs) and including the moving of buildings belonging to individuals, firms, corporations, or public utilities, which are permitted by vote of the board of mayor and aldermen to be placed in, over, under, along or moved through said highways; he shall have the power to remove any tree in any highway if in his judgment it is necessary in the construction or maintenance of said highway. No individual, firm, corporation or public utility shall open or excavate any highway unless first having obtained a permit therefor from the department. The surveyor is hereby authorized to provide for the furnishing and delivering of supplies and the performance of any work contemplated in this act by contract, and in so doing to call for proposals for furnishing and delivering such supplies or doing such work and to make a contract therefor in the name and behalf of said city (provided such contract shall first be approved by the commissioners) and the party to whom the contract is awarded shall furnish proper surety for the faithful performance of said contract provided however, that in the employment of labor, citizens of Manchester shall be given preference, and in making of contracts such preference shall be stipulated for when practicable; said surveyor shall annually on or before the fifteenth day of January prepare and transmit to the commissioners and board of mayor and aldermen an estimate of the appropriation required for the maintenance of city yards and street cleaning, for the construction, repairing and maintaining of highways and sewers in said city for the ensuing year, and he shall make a report to said board of mayor and aldermen of the doings of the department for the year ending with the December draft of each year. The surveyor shall with the advice and consent of the commissioner's

have full charge and control of the engineer's department and shall have in charge the performance of all duties heretofore pertaining to the office of an engineer; he may appoint with the advice and consent of the commissioners one competent person to act as superintendent of highways, one competent person to act as superintendent of sewers and one competent person to act as superintendent of street cleaning; he shall with the advice and consent of the commissioners establish a schedule of grades or relative positions to include all superintendents, subordinate officers, agents, clerks and all other persons who are employed or may be employed in carrying on the work contemplated under this act, and he shall for the carrying out of the purposes of this act have all the powers now by law vested in the board of public works, or department of public works and the various city departments and officials of said city now having control of the matters covered by this act, and he shall have the authority to appoint or hire, to dismiss or discharge such superintendents, subordinate officers, agents, clerks and other persons as he may deem expedient.

The report was accepted.

The reading of the amendment having commenced, Mr. Sawyer of Manchester moved that the rules be suspended and further reading of the amendment be dispensed with.

The question being on the motion.

(Discussion ensued)

Messrs. Sawyer and Sullivan of Ward 7, Manchester, spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The question being on the adoption of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

### Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 369, An act relative to service exemption for war veterans, having considered the same, reported the same with the following recommendation. That the House recede from its position of nonconcurrence, that the Senate recede from its position in the adoption of its amendments, and

further recommend that the Senate and House adopt the following amendment to said bill:

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1. *War Veterans.* Amend section 29, chapter 73 of the Revised Laws as amended by chapter 174, Laws of 1943, by chapter 4, Laws of 1944 and chapter 240, Laws of 1947, by striking out said section and inserting in place thereof the following: 29. *Service Exemption.* Every resident of this state who served not less than ninety days in the armed forces of the United States in any of the following wars or armed conflicts, the Spanish War, Philippine Insurrection, Boxer Rebellion, World War I or World War II, as hereinafter defined, (except those dishonorably discharged from such service) or the spouse of such resident, or the widow of such resident, and every resident, or the spouse of such resident, whose services were terminated for a service-connected disability, and the widow of any resident who suffered a service-connected death in consideration of such service, shall be exempt each year from taxation upon his or her taxable property as assessed by the selectmen, to the value of one thousand dollars, provided such person and spouse do not own taxable property in this state, exclusive of *bona fide* encumbrances of record thereon, to the value of more than five thousand dollars. The following terms as used in this section shall be construed as follows:

(1) "Spanish War" between April 21, 1898 and April 11, 1899.

(2) "Philippine Insurrection" between April 12, 1899 and July 4, 1902 extended to July 15, 1903 for service in the Moro Provinces.

(3) "Boxer Rebellion" between June 16, 1900 and May 12, 1901.

(4) "World War I" between April 6, 1917 and November 11, 1918 extended to April 1, 1920 for service in Russia, provided that reenlistment in military or naval service on or after November 12, 1918 and before July 2, 1921 where there was prior service between April 16, 1917 and November 11, 1918, shall be considered as World War I service.

(5) "World War II" between December 7, 1941 and December 31, 1946.

Amend the original section numbered 4 of the bill by striking out the whole of said section and renumbering it to read section 3 as follows:

3. *State Tax Commission.* Further amend said chapter 73 of the Revised Laws as amended by chapter 240 of the Laws of 1947 by inserting after section 29-g the following new section: 29-h. *Interpretation and Regulations.* The state tax commission is hereby authorized and empowered to make such reasonable interpretations and constructions of sections 29 through 29-g, subject to the approval of the attorney general, as will carry out the spirit and purpose of said sections and to make such reasonable rules and regulations as will insure a uniformity of observance and enforcement of said provisions throughout the state.

Further amend said bill by inserting after section 3 the following new sections:

4. *Burial of Veterans.* Amend section 16, chapter 124 of the Revised Laws as amended by chapter 102 of the Laws of 1943, chapter 88, Laws of 1945, chapter 214, Laws of 1947, and chapter 23, Laws of 1949, by striking out the same and inserting in place thereof the following: 16. *Burial Expenses.* Whenever any member or former member of the armed forces of the United States, who served in any of the following wars or armed conflicts, the Spanish War, Philippine Insurrection, Boxer Rebellion, World War I or World War II, as defined in section 16-a, for a total period of ninety days (unless sooner released from such service by reason of disability incurred in service) and whose services were terminated under conditions other than dishonorable, dies and the commander and adjutant of any recognized veterans organization of which he was a member, or the majority of the selectmen of the town or the mayor of the city in which such veteran dies, if he or she was not a member of such organization, shall certify under oath to the state veterans' council that such veteran did not leave sufficient estate to pay the expenses of his or her funeral, the governor shall draw a warrant in favor of the commander or adjutant, selectmen, or mayor, for a sum not exceeding one hundred dollars to defray such burial expenses, provided that the total amount of the funeral expense does not exceed four hundred dollars. Within one year from the time of burial of said veteran an account, verified by



vouchers, of the sums so spent for burial expenses shall be sent to the veterans' council by said commander, adjutant, selectmen, city council or mayor. Whoever neglects or refuses to furnish said account shall be fined ten dollars.

5. *Wars.* Amend chapter 124 of the Revised Laws by inserting after section 16 the following new section: 16-a. *Definition of Terms.* The following terms as used in section 16 shall be construed to mean service between the following dates:

I. "Spanish War" between April 21, 1898 and April 11, 1899.

II. "Philippine Insurrection" between April 12, 1899 and July 4, 1902 extended to July 15, 1903 for service in the Moro Provinces.

III. "Boxer Rebellion" between June 16, 1900 and May 12, 1901.

IV. "World War I" between April 6, 1917 and November 11, 1918 extended to April 1, 1920 for service in Russia, provided that reenlistment in military or naval service on or after November 12, 1918 and before July 2, 1921 where there was prior service between April 6, 1917 and November 11, 1918, shall be considered as World War I service.

V. "World War II" between December 7, 1941 and December 31, 1946.

Further amend said bill by renumbering section 4 to read section 6.

EUGENE S. DANIELL, JR.,  
MARYE W. CARON,  
*Conferees on the Part of the Senate.*

J. M. ASHLEY,  
E. P. ELDREDGE,  
HENRY J. GAGNON,  
*Conferees on the Part of the House.*

Mr. Ashley of Lebanon moved that the report be laid up on the table for printing in the Journal.

On a *viva voce* vote the motion prevailed.

**Taken from the Table**

Resolution offered by Mr. English of Hancock.  
The question being on the resolution.

(Discussion ensued)

Mr. English of Hancock spoke in favor of the resolution.  
On a *viva voce* vote the resolution was adopted.

**Resolutions**

Mr. Laraba of Portsmouth offered the following resolution:

*Resolved*, That the election of a doorkeeper to fill the vacancy occasioned by the death of Lenne C. Twombly be made a special order for Wednesday, April 20 at 11:01 A. M.

On a *viva voce* vote the resolution was adopted.

Mrs. Cooper of Nashua offered the following resolution:

*That* for the remainder of the session, the members of the House shall refrain from smoking until noon, out of courtesy to the visitors in the Gallery.

The question being on the resolution.

(Discussion ensued)

Mrs. Brungot of Berlin and Mrs. Cooper of Nashua spoke in favor of the resolution.

On a *viva voce* vote the resolution was not adopted.

Mr. Wadleigh of Milford asked for a division.

(Discussion ensued)

Mr. Pickett of Keene spoke in favor of the resolution.

A division being called for the vote was declared manifestly in the affirmative, and the resolution was adopted.

Mr. Wadleigh of Milford offered the following resolution:

*Whereas*, Andrew C. Elliott, Representative from Milford, is confined to his home by illness, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend our greetings to our fellow member with our best wishes for his speedy return to health, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Representative Elliott.

FRED T. WADLEIGH of Milford,  
WILLIAM M. FALCONER of Milford,  
CHARLES A. TRACY of Amherst,  
FREDERIC H. FLETCHER of Mont Vernon,  
LANE DWINELL of Lebanon,  
CHARLES T. DURELL of Portsmouth,  
GEORGE F. THIBODEAU of Wolfeboro,  
ROBERT C. HAZELTON of Chester,  
TONY O. RUSSELL of Sunapee,  
LEONARD B. PEEVER of Salem,  
MRS. MABEL T. COOPER of Nashua,  
DAVID J. BARRY of Wilton,

*Committee on Resolutions.*

On a *viva voce* vote the resolution was adopted.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 30, An act authorizing the superior court to appoint auditors in certain actions at law.

House Bill No. 199, An act providing for additional appropriations for certain departments for the fiscal year ending June 30, 1949.

House Bill No. 227, An act relating to the practice of embalming and funeral directing.

House Bill No. 336, An act relating to the payment of poll taxes.

House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture.

House Bill No. 378, An act relating to binder chains on loads of logs, lumber and timber.

House Bill No. 402, An act empowering the superior court to make orders for support in certain cases.

House Bill No. 452, An act relative to airport managers and their powers and duties.

House Bill No. 457, An act relative to workmen's compensation; clarifying financial responsibility and the payment of compensation.

The report was accepted.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 185, An act relating to photographic copies of documents and records, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Photographic Copies of Documents and Records.* Amend chapter 392 of the Revised Laws by inserting after section 35 the following new section: 36. *Photographic Copies of Documents and Records.* Copies of public records, documents and entries of every department, board, commission, registry or office of the state or of any county, city or town, and copies of records, documents and entries of any parish, church, hospital, insurance company, bank, trust company or building and loan association, whether or not such records, documents and entries or the copies thereof are made by the photostatic, photographic or microphotographic process, when duly certified by the person in charge of the original records, documents and entries, shall be admitted in evidence to the same extent as the original in any action, proceeding or matter of a civil or criminal nature, in or before any court, commission or administrative agency in this state.

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 4, An act providing for notice to mortgagee by the tax collector, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Collection of Taxes.* Amend section 25 of chapter 80 of the Revised Laws, as amended by chapter 187, Laws of 1947, by striking out the whole of said section and inserting in place thereof the following: 25. *Notice to Mortgagee.* The purchaser of any real estate sold by a collector of taxes, within thirty days from the date of such sale shall notify all persons

On motion of Mr. Shedd of New Boston the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Celrk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 224, An act relative to allegations of misconduct in divorce proceedings.

House Bill No. 229, An act relating to appeals from taxes assessed against insurance companies by the insurance commissioner.

House Bill No. 454, An act providing for revocation of acceptance of workmen's compensation in certain cases.

House Bill No. 455, An act relative to workmen's compensation. (Clarifying liability of third person.)

House Bill No. 457, An act relative to workmen's compensation. (Clarifying financial responsibility and the payment of compensation.)

House Bill No. 465, An act relating to conversion into federal savings and loan associations.

The message also announced that the Senate had passed the following joint resolutions, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 13, Joint resolution in favor of Blanche B. Couture.

Senate Joint Resolution No. 15, Joint resolution requesting the judicial council to make a study and report upon title to land.

### Read and Referred

Senate Joint Resolution No. 13, Joint resolution in favor of Blanche B. Couture.

Read a first and second time and referred to the Committee on Appropriations.

Senate Joint Resolution No. 15, Joint resolution requesting the judicial council to make a study and report upon title to land.

Read a first and second time and referred to the Committee on Judiciary.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time.

### Third Readings

House Bill No. 113, An act relating to the surveyor of the city of Manchester.

Read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 60, An act relating to the change of name of the Hampton Co-operative Building and Loan Association.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Sawyer of Manchester at 12:35 o'clock the House adjourned.

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WEDNESDAY, APRIL 20, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Eternal God, the Father of all mankind, in Whom we live and move and have our being; have mercy upon the whole human race. Pity their ignorance, their foolishness and their weakness. Set up an ensign for the nations, O Lord, and bring them to a better understanding of one another. Do Thou, the God of love and peace, transform the thoughts of hate and war into trust and peace among all peoples of the world, and hasten the time when the kingdoms of the world shall become the Kingdom of our Lord Jesus Christ. Amen.

### Entertained in Joint Convention

The Plymouth Teachers' College A Cappella Choir, under the direction of Mr. Hans P. Jorgensen, rendered several songs before the Joint Convention.

Dr. Howard Jones, president of Plymouth Teachers' College, was introduced to the House.

### Leaves of Absence

Messrs. Redden and Stackpole of Dover were granted leave of absence for the day on account of important business.

### Committee Reports

Mr. Foote of Portsmouth, for the Committee on Liquor Laws, to whom was referred House Bill No. 482, An act relative to referendum on the question of entertainment on certain premises licensed by the liquor commission, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the word "licenses" in the ninth line the words, or permits; by inserting at the end of the tenth line the words, or beverages; by inserting after the word "licenses" in the thirty-third line the word, or permit, and by striking out the word and figure "or 23" in the thirty-fourth line and inserting in place thereof, 23 or 59, so that said section as amended shall read as follows:

1. *State Liquor Commission.* Amend chapter 170 of the Revised Laws by striking out section 43 and inserting in place thereof the following: 43. *Local Option.* The following questions shall be submitted to the voters in cities and towns on the usual ballot at each biennial election: (a) "Shall state stores be operated by permission of the state liquor commission in this city or town?" (b) "Shall beverages, as defined in chapter 170 of the Revised Laws, be sold in this city or town under permits granted by the state liquor commission?" (c) "Shall dancing and entertainment be allowed in this city or town on premises holding licenses or permits from the state liquor commission to sell liquor or beverages?"

I. If a majority of the qualified voters present and voting at any biennial election of a city or town signifies the disapproval of question (a) above, the commission shall not

operate state stores under the provisions hereof in said city or town.

II. If a majority of the qualified voters present and voting at any biennial election of a city or town signifies the disapproval of question (b) above, then the commission shall not issue permits in said city or town under the provisions hereof.

III. If a majority of the qualified voters present and voting at any biennial election of a city or town signifies the disapproval of question (c) above, then the commission shall not grant permission for dancing or entertainment at places within said town or city which hold licenses from the commission to sell liquor.

IV. If a majority of the qualified voters present and voting at any biennial election of a city or town signifies the approval of question (a) above, the commission may at its discretion operate state stores under the provisions hereof in said city or town.

V. If a majority of the qualified voters present and voting at any biennial election of a city or town signifies the approval of question (b) above, then the commission may at its discretion issue permits hereunder.

VI. If a majority of the qualified voters present and voting at any biennial election of a city or town signifies the approval of question (c) above, then the commission on application of the holder of a license or permit under sections 19, 23 or 59 of said chapter, for the premises within such town or city, may grant permission for dancing and entertainment on such premises.

The undersigned, a minority of the Committee on Liquor Laws, to whom was referred House Bill No. 482, An are relative to referendum on the question of entertainment on certain premises licensed by the liquor commission, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

JOHN S. TILTON,  
*A Minority of the Committee.*

The reports were accepted.



Mr. Henderson of Durham moved that further consideration of House Bill No. 482 be dispensed with, and the bill with the amendment pending be indefinitely postponed.

The question being on the motion.

(Discussion ensued)

Messrs. Henderson of Durham, Tilton of Concord, Reed of Goffstown, Ransom of Meredith and Black of Bennington, and Mrs. Richards of Exeter, spoke in favor of the motion.

Messrs. Foote of Portsmouth, Kazakis and Kennedy of Manchester, spoke against the motion.

Mr. Crosby of Hillsborough asked for a division.

A division being had, 213 members having voted in the affirmative, and 102 members having voted in the negative, the bill with amendment pending was indefinitely postponed.

Mrs. Dustin of Rochester, for the Committee on Public Health, to whom was referred Senate Bill No. 51, An act relative to the licensing of practical nurses, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee, inexpedient to legislate.

Mr. Dwyer of Manchester asked for a division.

A division being had the vote was declared manifestly in the affirmative, and the resolution of the committee, inexpedient to legislate, was adopted.

Mrs. Studley of Rochester, for the Committee on Public Health, to whom was referred House Bill No. 245, An act relative to communicable disease, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 1 of chapter 156, as inserted by the bill by striking out in the fourteenth line the words, "as may be directed by" and inserting in place thereof the words, as may be required by regulation of, so that said section as amended shall read as follows:

1. *Reporting of Communicable Disease.* Any physician, the superintendent or other person in charge of any hospital,

dispensary or other institution, or any other person having under his care or observation a person affected with a communicable disease, or any other condition required by the state board of health to be reported shall report the same immediately to the local board of health of the town in which the disease is found, or to the state department of health, as may be required by regulation of the state board of health, and the report shall include the name, age, address, and occupation of the patient.

Amend section 3 of said chapter 156 as inserted by the bill by striking out in the fourth, fifth and sixth line the words, "shall apply such isolation, quarantine and sanitary measures as may be necessary or prescribed by the state board of health" and inserting in place thereof the words, shall enforce as minimum requirements the provisions of all regulations established by the state board of health relating to the isolation and quarantine of cases, carriers, or suspected cases or carriers, as may be necessary, so that said section as amended shall read as follows:

3. *Quarantine or Isolation.* A health officer, whenever it shall come to his knowledge that a case or presumptive case of infectious or contagious disease exists within his jurisdiction, shall enforce as minimum requirements the provisions of all regulations established by the state board of health relating to the isolation and quarantine of cases, carriers, or suspected cases or carriers as may be necessary to prevent the spread of such disease, and may immediately cause any person infected with such disease to be removed to some suitable place if in the opinion of the health officer or state health officer, such person can be so removed without endangering the life of the person; if such infected person can not be removed without danger to his life, the health officer shall impose such isolation and quarantine measures upon the infected person as may be deemed necessary to prevent the spread of disease to others and thereby protect the public health. Any person having or suspected of having a communicable disease, any person who is a communicable disease carrier or contact or any person who is suspected of being a communicable disease carrier or contact shall, when directed by a health officer, submit to an examination for the purpose of determining the existence of a communicable disease. Such persons shall submit specimens of

body secretions, excretions, body fluids, and discharges for laboratory examinations when so directed by a health officer or his agent.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed under Rule No. 46.

Mrs. St. Pierre of Rochester, for the Special Committee consisting of the delegation from the city of Rochester, to whom was referred House Bill No. 83, An act providing for the establishment of a police commission in the city of Rochester, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Special Committee consisting of the delegation from the city of Rochester, to whom was referred House Bill No. 83, An act providing for the establishment of a police commission in the city of Rochester, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

RUDOLPHE G. CARTIER,  
*A Minority of the Committee.*

The reports were accepted.

The question being on the resolution of the majority of the committee, inexpedient to legislate.

(Discussion ensued)

Mr. Fernald of Rochester spoke in favor of the resolution.

On a *viva voce* vote the resolution of the committee was adopted.

### **Taken from the Table**

On motion of Mr. Ashley of Lebanon the report of the Committee of Conference, on House Bill No. 369, was taken from the table.

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred House Bill No. 369, An act relative to service exemption for war veterans, having considered the same, reported the same with the following recommendation. That the House recede

from its position of nonconcurrence, that the Senate recede from its position in the adoption of its amendments, and further recommended that the Senate and House adopt the amendment to said bill as printed in the Journal of Tuesday, April 19th on pages, 7, 8, 9, and 19.

EUGENE S. DANIELL, JR.,  
MARYE W. CARON,

*Conferees on the Part of the Senate.*

J. M. ASHLEY,  
E. P. ELDREDGE,  
HENRY J. GAGNON,

*Conferees on the Part of the House.*

### **Report of Committee of Conference**

The Committee of Conference, to whom was referred House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made, having considered the same, reported the same with the following recommendation:

That the House recede from its position of nonconcurrence, that the Senate recede from position in adopting its amendment, and that the House and Senate adopt the following amendment:

Amend the third paragraph of section 1 of the bill by striking out in the last line the following, "and (c)" and inserting in place thereof the following, (c) and (d), so that said paragraph as amended will read as follows: The term "registered mark" as used in the foregoing sentence means a mark which has been registered in the office of the secretary of state and recorded in the registry of deeds for the county in which such logs, lumber or pulpwood were situated when such registered mark was placed thereon, in the manner provided in the following sub-sections (a), (b), (c) and (d).

Further amend said section 1 by adding the following new sub-section: (d) If requested in writing by anyone interested in any logs, lumber or pulpwood on which there is a lien as provided in this section, the lien holder shall give to such interested party an account, within fifteen days, in writing and under oath; said account shall include all advances claimed to be secured by said lien up to the date of such notice; on failure to furnish such account, said lien shall be voided as against the

party making said request. Mailing said account by registered mail postpaid to the party making the request shall be deemed full compliance with this provision.

ARTHUR J. REINHART,  
EUGENE S. DANIELL, JR.,  
*Conferees on the Part of the Senate.*

BURRITT H. HINMAN,  
LAURENCE M. PICKETT,  
WINIFRED G. WILD,  
*Conferees on the Part of the House.*

The question being on the report.

On a *viva voce* vote the report was adopted.

### **Engrossed Bills Report**

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 16, An act relative to operation of motor vehicles by amputees.

House Bill No. 224, An act relative to allegations of misconduct in divorce proceedings.

House Bill No. 534, An act relating to enlarging school-house lots.

The report was accepted.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to non-concur with the House of Representatives in its amendments to the following joint resolution, and asks for a Committee of Conference on Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

Pursuant to the above request the President appointed as members of such committee, on the part of the Senate, Senators C. Cummings and Reinhart.

Mr. Laraba of Portsmouth moved that the House accede to the request of the Senate, and asked for a Committee of Conference.

On a *viva voce* vote the motion prevailed, and the Speaker appointed as members on such committee on part of the House, Messrs. Corson of Derry and Laraba of Portsmouth, and Mrs. McPhail of Manchester.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives.

House Bill No. 174, An act to provide for voting by ballot on transferring powers of collector of taxes to town manager.

House Bill No. 311, An act relating to supervisory unions.

House Bill No. 319, An act relating to neglect of husband or father to support wife and children and neglect of mother.

House Bill No. 366, An act relative to motorized bicycles or scooters.

House Bill No. 419, An act relative to town appropriations for hospitals.

House Bill No. 432, An act relative to La Societe St. Jean Baptiste de Laconia.

House Bill No. 459, An act relative to workmen's compensation. (Providing for an increase in the amount of weekly compensation.)

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 47, An act relative to the salaries of the commissioners of Hillsborough county.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 418, An act relative to protection of illegitimate children.

Amend section 1 of the bill by adding after the word "town" in the twelfth line, the words—or county, so that said section as amended shall read as follows:

1. *Vital Statistics.* Amend chapter 337 of the Revised Laws by inserting after section 4 the following new section:

41a. *Prohibition.* In the case of an illegitimate child or a child born out of wedlock, the name of the putative father shall not be entered in or upon the birth certificate or birth record of such child without the written consent of the putative father, unless the paternity of the child has been adjudicated. No copy of a birth record of an illegitimate child or a child born out of wedlock, where discernible from information appearing on the certificate, shall be transmitted to the city or town within which the parents reside nor shall a report of such a birth be published in any town or county report.

On motion of Mrs. Wheeler of Bristol the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 460, An act relating to workmen's compensation. (Extension of insurance coverage.)

Amend section 1 of the bill by adding after the word "insurance" at the end of said section the following, or D, the the employer replaces said insurance with another carrier; that said section as amended shall read as follows:

1. *Securing Compensation.* Amend section 8, chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting at the end of paragraph I a new paragraph as follows: I-a. An insurance carrier which does not intend to renew a policy of workmen's compensation insurance covering the liability of an employer under the provisions of this chapter, or which intends to cancel such a policy, shall, thirty days prior to the expiration of such policy, or cancellation date, give notice of such intention to the labor commissioner and to the covered employer. An insurance carrier which fails to give such notice shall continue the policy in force for thirty days from the day such notice is received by the labor commissioner; provided, however, that the latter provision shall not apply: A. if, prior to such expiration or cancellation date, the insurance carrier has offered to continue beyond such date by delivery of a renewal contract or otherwise; or B, if the employer notifies the insurance carrier and the labor commissioner that he does not wish the insurance continued beyond such expiration or cancellation date; or C,

the employer complies with paragraph II of this section on or before the expiration or cancellation date of the existing insurance; or D, the employer replaces said insurance with another carrier.

On motion of Mr. Rowell of Newport the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 229, An act relating to appeals from taxes assessed against insurance companies by the insurance commissioner.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Appeal From Taxes Assessed Against Insurance Companies.* Amend chapter 323 of the Revised Laws as amended by chapter 71 of the Laws of 1945 by inserting after section 61 the following new sections:

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills:

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 454, An act providing for revocation of acceptance of workmen's compensation in certain cases.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Workmen's Compensation.* Amend chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting after section 3 the following new section:  
3-a. *Revocation.* Any employer of less than five persons or of farm labor or domestic servants or any county, city, town, school district, or any other district established by law, may revoke his or its acceptance of the provisions of this chapter



by filing a revocation with the labor commissioner which shall be effective thirty days after such filing and by posting a notice of such revocation in a conspicuous place on his premises.

On motion of Mr. Rowell of Newport the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 455, An act relative to workmen's compensation. (Clarifying liability of third person.)

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Liability of Third Person.* Amend section 12 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting after the word "compensation" in the tenth and the twenty-ninth lines the words, medical, hospital or other,

Further amend said section 1 by inserting after the word "compensation" in the twenty-sixth line the words, medical, hospital or other remedial care,

On motion of Mr. Rowell of Newport the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments. in the passage of which amendments the Senate asked the concurrence of the House of Representatives.

House Bill No. 57, An act relative to unemployment reciprocal arrangements.

Amend section 1 of said Bill by striking out the whole of the same and inserting in place thereof the following:

1. *Unemployment Compensation.* Amend section 15 of chapter 218 of the Revised Laws, by striking out the whole of the same and inserting in place thereof the following:  
15. *Reciprocal Arrangements.* A. The commissioner is hereby authorized to enter into reciprocal arrangements with

appropriate and duly authorized agencies of other states or of the federal government, or both, whereby:

(1) Services performed by an individual for a single employing unit for which services are customarily performed by such individual in more than one state shall be deemed to be services performed entirely within any one of the states (I) in which any part of such individual's service is performed, or (II) in which such individual has his residence, or (III) in which the employing unit maintains a place of business, provided there is in effect, as to such services, an election by an employing unit with the acquiescence of such individual, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which services performed by such individual for such employing unit are deemed to be performed entirely within such state;

(2) Potential rights to benefits under this chapter may constitute the basis for the payment of benefits by another state or the federal government, and potential rights to benefits accumulated under the law of another state or the federal government may constitute the basis for the payment of benefits by this state. Such benefits shall be paid under such provisions of this chapter or under the provisions of the law of such other state or the federal government, or under such combination of the provisions of both laws, as may be agreed upon and which will be fair and reasonable as to all affected interests. No such arrangement shall be entered into unless it contains provision for reimbursement to the fund for such benefits as are paid on the basis of wages and service subject to the law of another state or the federal government, and provision for reimbursement from the fund for such benefits as are paid by another state or the federal government on the basis of wages and services subject to this chapter. Reimbursements paid from the fund pursuant to this subsection shall be deemed to be benefits for the purposes of this chapter;

(3) Wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the federal government, shall be deemed to be wages for insured work for the purpose of determining his rights to benefits under

this chapter, and wages for insured work, on the basis of which an individual may become entitled to benefits under this chapter, shall be deemed to be wages or services on the basis of which unemployment compensation is payable under such law of another state or of the federal government, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this chapter upon the basis of such wages or services, and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for insured work, as the commissioner finds will be fair and reasonable as to all affected interests:

(4) Contributions due under this chapter with respect to wages for insured work shall for the purposes of section II of this chapter be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or federal unemployment compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions as the commissioner finds will be fair and reasonable as to all affected interests.

B. Reimbursements paid from the fund pursuant to any reciprocal arrangements authorized by the provisions of this chapter shall be deemed to be benefits for the purposes of this chapter except that no charge shall be made to an employer's account under section 6 in excess of the maximum benefits available under sections 2, 3 or 4, or when no benefits would have been payable to an individual, but for this section, because of the lack of wages for insured work necessary to qualify for benefits. In the event that no charge is to be made to an employer's account such as hereinabove provided, such reimbursements shall be charged against the fund. The commissioner is authorized to make to other state or federal agencies and to receive from such other state or federal agencies, reimbursements from or to the fund, in accordance with arrangements entered into pursuant to subsection A of this section.

C. If after entering into an arrangement under paragraph (2) or (3) of subsection A of this section the commissioner finds that the unemployment compensation law of any

state or of the federal government participating in such arrangement has been changed in a material respect, the commissioner shall make a new finding as to whether such arrangement shall be continued with such state or states or with the federal government.

The report was accepted, and the above entitled bill with the accompanying amendment was laid on the table, to be printed in the Journal under the rules.

Mr. Rowell of Newport moved that the House non-concur, and asked for a Committee of Conference.

On a *viva voce* vote the motion prevailed, the Speaker appointed as members on such committee on part of the House, Messrs. Rowell of Newport, Thompson of Effingham and Angus of Claremont.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 58, An act relative to Concord Female Charitable Society.

### Senate Bill Read and Referred

Senate Bill No. 58, An act relative to Concord Female Charitable Society.

Read a first and second time and referred to the Committee on Public Welfare and State Institutions.

### Resolutions

Mr. Chase of Franklin offered the following resolution:

*Whereas*, We have learned with sorrow of the passing of Louis H. Doupinett, Dean of the House of Representatives, Representative from the City of Franklin for several sessions, and former mayor of the City of Franklin, therefore be it

*Resolved*, That we pay tribute to our fellow member for his devoted and faithful public service to his city and state, and be it further

*Resolved*, That we extend our heartfelt sympathy to his family in its bereavement; that the Speaker designate a delegation to attend the funeral services, and the the Clerk be instructed to procure a floral tribute, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to the bereaved family.

JAMES M. BURKE,  
ANDREW LORDEN,  
ALCIDE LaBRANCHE,  
GEORGE W. CHASE,  
Delegation from Franklin and  
Merrimack Delegation.  
*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

The Speaker appointed the Franklin Delegation a Committee to attend the funeral.

Mr. Bruno of Tilton offered the following resolution:

*Whereas* today, April 20, 1949, is the 40th birthday of the member from Concord, Donald W. Saltmarsh,

*Resolved*, That the House of Representatives extends to him its heartiest congratulations at attaining this worthy age and that we wish our fellow member the best of success in the future.

On a *viva voce* vote the resolution was adopted.

### **Special Order, Election of Doorkeeper**

Mr. Spaulding of Hudson nominated John Twombly of Hill as a candidate for doorkeeper.

Mr. Barry of Wilton seconded the nomination.

On motion of Mr. Spaulding of Hudson, the Clerk was instructed to cast one ballot for Mr. Twombly.

A ballot having being cast, Mr. Twombly was declared elected doorkeeper, and appeared before the House and took the oath of office.

On motion of Mr. Wadleigh of Milford, the rules were suspended to allow business in order in the afternoon to be in order at the present time.

On motion of Mr. Currier of Colebrook at 12:30 o'clock the House adjourned.

THURSDAY, APRIL 21, 1949

The House met according to adjournment.

Prayer was offered by Father Edward Angluin, O.S.B., St. Anselm's College, Goffstown.

Let us pray. O Lord God, Who has given us authority to make laws for the welfare of Thy people, send forth Thy grace to illumine our minds to make wise laws, so that Thy people may enjoy temporal prosperity and be safeguarded for eternal happiness.

We ask this in the name of Thy Son, Our Lord Jesus Christ, Who liveth and reigneth forever with Thee in the unity of the Holy Spirit. Amen.

#### Leaves of Absence

Messrs. Henderson of Durham, and Peaslee of Merrimack were granted leaves of absence for the day on account of important business.

Mr. Spaulding of Nashua was granted leave of absence for the day on account of illness in family.

#### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 505, An act to regulate the speed of motor vehicles on public highways. To the Committee on Transportation.

By the Committee on Rules, House Bill No. 506, An act relating to turning movements by motor vehicles on public highways. To the Committee on Transportation.

By the Committee on Rules, House Bill No. 507, An act relative to motor vehicles traveling in line. To the Committee on Transportation.

By the Committee on Rules, House Bill No. 508. An act defining the rights of pedestrians at crosswalks. To the Committee on Transportation.

By the Committee on Rules, House Bill No. 509, An act relating to restricted instruction permit for motor vehicle operators. To the Committee on Transportation.

By the Committee on Rules, House Bill No. 510, An act relative to exemptions from jury service for members of the general court. To the Committee on Judiciary.

By the Committee on Rules, House Joint Resolution No. 31, Joint resolution in favor of Alfred M. Jenness. To the Committee on Appropriations.

### Committee Reports

Mr. Currier of Colebrook, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 7, Joint resolution relative to Phineas J. Poor estate, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass:

Amend the joint resolution by striking out the words and figures "seven thousand five hundred dollars (\$7,500)" and inserting in place thereof the words and figures, five hundred dollars (\$500), so that the resolution as amended shall read as follows: That the sum of five hundred dollars (\$500) be and hereby is appropriated to the estate of Phineas J. Poor as compensation for the death of said Phineas J. Poor in June, 1947, which occurred by accident while said decedent was an employee of the highway department. The sum hereby appropriated shall be a charge upon the highway funds and said sum shall be in full settlement of said claims.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Tilton of Laconia, for the Committee on Appropriations, to whom was referred Concurrent Resolution introduced by Mr. Holden of Hanover, Concurrent resolution relating to printing of session laws, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Johnson of Northwood, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 73, An act in relation to the assessment of taxes, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting a new section as follows:

4. Amend section 20 of said chapter 74 by striking out in the first line the words "of nonresidents" so that said section as amended shall read as follows: 20. *Unimproved Lands.* Unimproved lands shall be taxed in the name of the owner, if known; otherwise in the name of the original proprietor, if known; otherwise without any name, and by the number of lot and range, and the quantity thereof, if lotted; or by such other description as it may be readily known by.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 67, An act relative to unemployment compensation, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend subparagraph (a) of paragraph (1) as inserted by section 3 of said bill by striking out said subparagraph and inserting in place thereof the following: (a) The service is localized within the state (i. e., performed either entirely within the state or performed both within and without the state if the service performed without is incidental to that performed within); or,

Amend section 5 of said bill by striking out the whole of the same and inserting in place thereof the following: 5. *Disqualifications for Benefits.* Amend paragraph (3), subsection D, section 4 of said chapter 218, by striking out the whole of said paragraph and inserting in place thereof the following: (3) The stoppage of work was due solely to a lock-out or the failure of the employer to live up to the provisions of any agreement or contract of employment entered into between the employer and his employees.

Amend said bill by striking out section 11 and renumbering sections 12 to 19 to read sections 11 to 18.

Amend section 15 of said bill by striking out said section and inserting in place thereof the following, renumbered as provided hereinbefore:

14. *Reimbursement of Fund.* Amend subsection B, section 10 of said chapter 218, as amended by section 22, chapter 59 of the Laws of 1947, by striking out the whole of the



same and inserting in place thereof the following: B. *Reimbursement of Fund.* If any moneys received after June 30, 1941, from the social security administration under title III of the Social Security Act, or any unencumbered balances in the unemployment compensation administration fund as of that date, or any moneys granted after that date to this state pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by this state or its political subdivisions and matched by such moneys granted to this state pursuant to the provisions of the Wagner-Peyser Act, are found by the social security administration, because of any action or contingency, to have been lost or been expended for purposes other than, or in amounts in excess of, those found necessary by the social security administration for the proper administration of this chapter, it is the policy of this state that such moneys shall be replaced by moneys in the contingent fund established by section 10-C, or by moneys appropriated for such purpose from the general funds of this state to the unemployment compensation administration fund for expenditure as provided in section 10-A. Upon receipt of notice of such a finding by the social security administration, and in the event that there are insufficient funds in the contingent fund, as provided in subsection C of this section, the commissioner shall promptly report the amount required for such replacement to the governor, and the governor shall at the earliest opportunity submit to the legislature a request for the appropriation of such amount. This subsection shall not be construed to relieve this state of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of title III of the Social Security Act.

Amend section 9 of said bill by striking out the word "may" in the fifteenth line and inserting in place thereof the word, shall, so that said section as amended shall read as follows:

9. *Appeals.* Amend the first paragraph of subsection C, section 5 of said chapter 218, as amended by section 12, chapter 138 of the Laws of 1945, by striking out the whole of the same and inserting in place thereof the following: C. *Appeals.* Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm, modify, set aside or reverse the

findings of fact and decision of the deputy. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor. Such decision shall be deemed to be the final decision of the commissioner, unless within ten days after the date of notification or mailing of such decision, further appeal is initiated pursuant to subsection G of this section. If the appellant fails to appear or prosecute the appeal or request a postponement thereof, the appeal tribunal may dismiss the proceedings or take such other action as it may deem advisable. Provided, however, that if sufficient grounds to justify or excuse an appellant from appearing, prosecuting his appeal, or requesting a postponement thereof, are found by the commissioner, the commissioner shall, in order to protect the rights of interested parties, direct the appeal tribunal to hold a further hearing in the case.

Reading of the amendment having commenced, on motion of Mr. Angus of Claremont the rules were suspended, and further reading of amendment dispensed with.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 429, An act relative to unemployment compensation adjustments and refunds, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Clough of Haverhill, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 65, An act legalizing certain proceedings for meetings in the town of Greenfield, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Clough of Haverhill, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 66, An act legalizing certain meetings in the town of Francestown, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Sullivan of Manchester, Ward 7, for the Special Committee consisting of the delegation from the city of Manchester, to whom was referred House Bill No. 16, An act relating to pensions for certain officials and employees of the city of Manchester, reported the same, in new draft with new title, with the recommendation that the bill in its new draft and with new title ought to pass.

The report was accepted.

The bill, in its new draft and with new title, was laid up on the table to be printed.

Mr. Sullivan of Manchester, Ward 7, for the Special Committee consisting of the delegation from the city of Manchester, to whom was referred House Bill No. 326, An act relating to expenses of the moderator of the city of Manchester, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the same, and inserting in place thereof the following:

1. *Compensation of Public Officials.* Amend chapter 220 of the Laws of 1901, as amended by chapter 333 of the Laws of 1917, by inserting at the end thereof the following new section: Section 1-a. *Manchester Officials.* Each ballot inspector and each moderator of the wards of the city of Manchester shall be paid the sum of twenty-five dollars per working day for services governing elections. Each ward clerk shall receive sixty-five dollars per year and each selectmen shall receive fifty-seven dollars and fifty cents per year for services governing elections.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to compensation of election officials of the city of Manchester.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Studley of Rochester, for the Committee on Public Health, to whom was referred House Bill No. 245, An act relative to communicable diseases, reported the same with the

amendments as printed in the Journal of April 20, pages 6 and 7, and the recommendation that the bill as amended ought to pass.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

### **Resolutions**

Mrs. Wheeler of Bristol offered the following resolution:

### **Resolutions**

#### **On the Death of Lenne G. Twombly**

*Whereas*, we have learned with sorrow of the passing of Lenne G. Twombly of Hill, Doorkeeper of the House of Representatives for several sessions, former representative and organizer of the legislative band, therefore be it .

*Resolved*, That we, the members of the House of Representatives, express our sincere respect and high regard for his outstanding career as a public servant throughout his life and that we acknowledge the many contributions made by him during those many years of public service that made New Hampshire a better place in which to live, and therefore be it

*Resolved*, That we extend to his widow and family our deep sympathy in their bereavement, and be it further

*Resolved*, That the Clerk of the House transmit to Mrs. Twombly a copy of these resolutions.

GLENN L. WHEELER,  
GEORGE W. CHASE,  
GEORGE H. COBBETT,

*Committee on Resolutions.*

The resolution was unanimously adopted by a rising vote.

#### **Change of Committee of Conference**

We, the undersigned members, named to serve on the Committee of Conference on Senate Joint Resolution No. 2, request leave to withdraw and request the Speaker to appoint a new committee.

RAE S. LARABA,  
ISABELL McPHAIL,  
HAROLD W. CORSON.

*Committee of Conference.*

The report was accepted.

The Speaker appointed as members of the above Committee of Conference, Messrs. Zopf of Claremont, Johnson of Northwood, and Sawyer of Concord.

### Resolutions

Mr. Johnson of Northwood offered the following resolution:

### Resolutions

#### On the Birthday of John C. O'Brien

*Whereas*, today is the birthday of John C. O'Brien, Representative from Manchester for several sessions, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend to our fellow member our heartiest congratulations and best wishes for a Happy Birthday for today and many years to come.

On a *viva voce* vote the resolution was adopted.

### Senate Message

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 4, An act providing for notice to mortgagee by the tax collector.

House Bill No. 185, An act relating to photographic copies of documents and records.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution sent up from the House of Representatives:

House Bill No. 150, An act relative to the salary of the solicitor of Sullivan county.

House Bill No. 274, An act concerning the recognition of a divorce obtained in another jurisdiction and to make uniform the law with reference thereto.

House Bill No. 279, An act relating to capital reserve funds for cities.

House Bill No. 407, An act relative to factors liens.

House Joint Resolution No. 6, Joint resolution directing the establishment of an interim commission to make a study of the laws of the United States and other states and to formulate and prepare a report for submission to the governor and council on or before January 1, 1951 for the protection of the democratic principles of government and ideals in this state and for the exposure and expurgation of subversive activities in the state of New Hampshire.

The message further announced that the Senate had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 417, An act relative to taxation of property.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Taxation.* Amend section 5 of chapter 74 of the Revised Laws by inserting after the word "elsewhere" in the third line the words, in this state, so that said section as amended shall read as follows: 5. *Removal of Property.* Any person going into any town in this state, and taking with him any property upon which a tax has not been assessed and paid elsewhere in this state for that year, and doing business therein with such property after April first and before December thirty-first of any year, shall be taxed on such property in such town as in the cases of persons who have escaped taxation.

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 465, An act relating to conversion between state building and loan associations and federal savings and loan associations.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Building and Loan Associations.* Amend chapter 314 of the Revised Laws by adding at the end thereof the following new subdivision:

### Conversion

42. *Conversion Into Federal and Loan Associations.* Any building and loan

Amend the paragraph numbered 38-a by striking out the word "act" in the eleventh line and inserting in place thereof the word, chapter,

Amend the paragraph numbered 38-c by striking out the word "section" in the seventh line and inserting in place thereof the word, subdivision,

Amend the paragraph numbered 38-d by striking out the word "act" in the third line and inserting in place thereof the word, subdivision,

Amend the paragraph numbered 38-e by striking out the fourth, fifth and sixth sentences and inserting in place thereof the following:

Such directors shall then execute two copies of the articles of agreement provided for in this chapter. The bank commissioner may insert in the articles of agreement the following: "This association is incorporated by conversion from a federal savings and loan association." The directors chosen for the association shall all sign and acknowledge the articles of agreement as subscribers thereto.

Amend the paragraph numbered 38-f by striking out the word "subdivision" and inserting in place thereof the word, chapter,

Further amend section 1 of the bill by renumbering the paragraphs numbered 38-a to 38-i so that the same will read 43 to 51 inclusive.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Repeal.* Section 38 of chapter 314 of the Revised Laws relative to meetings of officers of building and loan associations is hereby repealed.

Further amend said bill by inserting after section 2 the following new section:

3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Colbath of Concord the House concurred in the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 81, An act relating to separate maintenance.

Senate Bill No. 82, An act relative to Milton Fire District.

Senate Bill No. 83, An act relative to transfer tax on certain buildings in the town of Hampton.

Senate Bill No. 84, An act extending an appropriation for the Mt. Sunapee recreational project.

Senate Bill No. 87, An act validating certain proceedings of the town of Bristol.

### **Senate Bill Read and Referred**

Senate Bill No. 81, An act relating to separate maintenance.

Read a first and second time, and referred to the Committee on Judiciary.

Senate Bill No. 82, An act relative to Milton Fire District.

Read a first and second time, and referred to the Committee on Municipal and County Government.

Senate Bill No. 83, An act relative to transfer tax on certain buildings in the town of Hampton.

Read a first and second time, and referred to the Committee on Ways and Means.

Senate Bill No. 84, An act extending an appropriation for the Mt. Sunapee recreational project.

Read a first and second time, and referred to the Committee on Appropriations.

Senate Bill No. 87, An act validating certain proceedings of the town of Bristol.

Read a first and second time, and referred to the Committee on Municipal and County Government.



On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that third reading of bills and joint resolution be read by their title only, and that when the House adjourns today, it adjourn to meet Monday at 11:00 o'clock.

### Third Readings

House Bill No. 67, An act relative to unemployment compensation.

House Bill No. 245, An act relative to communicable diseases.

House Bill No. 326, An act relating to expenses of the moderator of the city of Manchester.

### Reconsideration

Mr. Sullivan of Keene moved that the House reconsider its vote whereby it passed House Bill No. 326.

On a *viva voce* vote the motion did not prevail.

House Bill No. 429, An act relative to unemployment compensation adjustments and refunds.

House Joint Resolution No. 7, Joint resolution relative to Phineas J. Poor estate.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 65, An act legalizing certain proceedings for meetings in the town of Greenfield.

Senate Bill No. 66, An act legalizing certain meetings in the town of Frankestown.

Severally read a third time and passed, and sent to the Secretary of State to be engrossed.

Senate Bill No. 73, An act in relation to the assessment of taxes.

Read a third time and passed, and sent to the Senate for concurrence in the amendment.

On motion of Mr. O'Brien of Manchester at 11:40 o'clock the House adjourned.

MONDAY, APRIL 25, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty God, who alone gavest us the breath of life and alone canst keep us in the way we should go, help us to be diligent in our several callings, and especially as legislators for our state; may we be just and upright in all our dealings, quiet and peaceable, full of compassion and ready to do good to all men according to abilities and opportunities. Defend us from all dangers and adversities and be pleased to take us under Thy fatherly care and protection, this day and evermore. Amen.

### Leaves of Absence

Mr. Clough of Haverhill was granted leave of absence for the day on account of illness in the family.

Messrs. Wirkkala of Lempster, Peever of Salem and Eggleston of Canaan were granted leave of absence for the day on account of important business.

Messrs. Adams of Greenfield and Elliott of Milford were granted leave of absence for the week on account of illness.

### Committee Reports

Mr. Black of Bennington, for the Committee on Aviation, to whom was referred House Bill No. 164, An act relating to the general exemption from property taxes of certain privately owned airports, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by inserting in the fourth line after the word "use" the words, without landing fee charges, so that said section as amended shall read as follows:

2. *Exemption from Property Tax.* Amend chapter 73 of the Revised Laws by adding after section 30 the following new section: 30-A. *Airport Exemption.* The owner of a privately owned airport having facilities available for public use without landing fee charges who holds, as of April first of any year, a license for such airport from the New Hampshire Aeronautics Commission, shall be exempt for each such year from taxation of the landing area used in connection with such airport.

Further amend the bill by inserting after section 2 the following new section:

3. *Definition.* The term Landing Area, as applied to said privately owned airport is hereby defined as: All the surface of said airport encompassed within the principal boundaries that is maintained and available for the take off, landing, taxiing and open air parking of aircraft using said airport.

Further amend the bill by renumbering section 3 to read section 4.

The report was accepted and the amendment adopted.

Mr. Ferguson of Pittsfield moved that the bill be referred to the Committee on Ways and Means.

The question being on the motion.

On a *viva voce* vote the the motion prevailed.

### Reconsideration

Mr. Ferguson of Pittsfield moved that the House reconsider the vote whereby it referred House Bill No. 164 to the Committee on Ways and Means.

The question being on the motion.

Mr. Hill of Conway moved to substitute the words "inexpedient to legislate" for the words "ought to pass."

The question being on the motion.

(Discussion ensued)

Mr. Hill of Conway spoke in favor of the motion.

Messrs. Brown of Laconia and Hutchins of Claremont spoke against the motion.

Mr. Hill of Conway asked for a division.

A division being had, 278 members having voted in the affirmative and 68 members having voted in the negative, the motion to substitute the words "inexpedient to legislate" for the words "ought to pass" prevailed.

The question being on the resolution, inexpedient to legislate.

On a *viva voce* vote the motion prevailed.

Mr. Hutchins of Claremont moved that the House reconsider the vote whereby it voted as inexpedient to legislate, House Bill No. 164.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Sullivan of Ward 7, Manchester, for the Special Committee consisting of the delegation from the city of Manchester, to whom was referred House Bill No. 16, An act relating to pensions for certain officials and employees of the city of Manchester, reported the same, in new draft and with new title, with the recommendation that the bill, in its new draft and with new title, ought to pass as printed in the Journal of Thursday, April 21, 1949, on page 8.

The report was accepted and the bill, in its new draft and with new title, was ordered to a third reading.

On motion of Mr. Atherton of Nashua the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Tilton of Laconia, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 24, Joint resolution appropriating money for renovation of the ventilating system in the House of Representatives, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

On motion of Mr. Atherton of Nashua the rules were suspended to dispense with the advertisement in the Journal of House Joint Resolutions Nos. 19, 29, 30.

On motion of Mr. Atherton of Nashua the rules were suspended to allow for the presentation of three committee reports, which had not previously been advertised in the Journal.

Mr. Daniels of Ward 1, Manchester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 19, Joint resolution in favor of the estate of Frank H. Peaslee, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Daniels of Ward 1, Manchester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 29, Joint resolution in favor of the estate of William K. Davis, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Daniels of Ward 1, Manchester, for the Committee on Appropriations, to whom was referred House Joint resolution No. 30, Joint resolution in favor of the estate of E. James Winslow, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 107, An act relating to shooting human beings while hunting, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the same, and inserting in place thereof the following:

1. *Shooting.* Amend section 35 of chapter 241 of the Revised Laws as amended by chapter 63 of the Laws of 1945 by striking out said section and inserting in place thereof the following: 35. *Shooting Human Beings.* Any person who shall shoot at a human being in mistake for game while hunting and through such shooting shall wound or kill such human being shall be fined not less than two hundred dollars nor more than five hundred dollars and imprisoned not less than thirty days or more than twelve months. The hunting and fishing license of one convicted hereunder may be revoked by the director for not less than five years nor more than ten years at the discretion of the director.

Amend chapter 244 of the Revised Laws as amended by chapter 63 of the Laws of 1945 by inserting a new section as follows. 35a. *Abandoning a Wounded or Killed Human Being.* Any person who shall have shot or killed a human being in mistake for game shall forthwith render necessary assistance to the injured person and report immediately to the nearest law enforcement officer. Upon conviction of violation of the

provisions of this section the guilty person shall be fined not more than two thousand dollars and imprisoned not less than thirty days nor more than five years and his hunting and fishing license shall be revoked for life. The penalty for conviction under this section shall be in addition to any penalty imposed under section 35.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 310, An act relating to taking raccoons, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Sawyer of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 236, An act relating to small claims, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1. *Small Claims*. Amend chapter 378 of the Revised Laws by adding at the end thereof the following new section:

9. *Supplementary Process and Proceeding after Judgment*. A judgment creditor or a person in his behalf may file in the municipal court an application for supplementary process under this chapter. Upon the filing of such application, a summons may issue, requiring the judgment debtor to appear at a time and place named therein and submit to an examination relative to his property and ability to pay. Such summons may be served by an officer qualified to serve civil process, by delivering to the debtor an attested copy thereof, or by leaving it at his last and usual place of abode, at least seven days before the return day thereof. If due service is not made, the court may order further notice. The failure of a judgment debtor personally to appear without reasonable excuse upon such summons, or at any examination otherwise appointed, or to submit to the examination, shall constitute a

contempt of court. Supplementary proceedings shall be in order for examination at the return day and hour set forth in the summons or further notice, but may by order of the court for good cause shown be continued from time to time for examination, and may be brought up for further proceedings at such time or times, and in such manner as the court by general or special rule or order may direct.

10. *Examination of Judgment Debtor.* The judgment debtor, if he appears, shall be examined on oath as to his property and ability to pay; and such examination, if in writing, shall be signed and sworn to by the debtor and filed with the court. Either party may introduce additional evidence; and if the debtor fails to appear at the examination it may proceed and orders may be made in his absence. The examination may be oral or in writing, in the discretion of the court. The execution or a certified copy thereof, shall be sufficient proof of the judgment.

11. *Dismissal of Proceedings if Debtor has no Property; Orders for Payment, etc.; Failure to Obey Orders to Constitute Contempt of Court.* If the court finds that the debtor has no property not exempt from being taken on execution, and is unable to pay the judgment, in full or by partial payments, or if the creditor fails to appear at the examination, personally or by attorney, the proceedings may be dismissed. If the court is satisfied that the debtor has property not exempt from being taken on execution, the court may order him to produce it, or so much thereof as may be sufficient to satisfy the judgment and costs of the proceedings, so that it may be taken on the execution; or may order him to execute, acknowledge if necessary, and deliver to the judgment creditor, or to a person in his behalf, a transfer, assignment or conveyance thereof; or if the debtor is able to pay the judgment in full or by partial payments the court may, after allowing the debtor out of his income a reasonable amount for the support of himself and family, which amount need not be stated, order the debtor to pay the judgment and costs of the proceedings in full or by partial payments from time to time; or the court may make an order combining any of the orders above mentioned. The court may prescribe the times, places, amounts of payments, forms of instruments and other details in making any of the orders above mentioned. The court may at any time renew, re-

vise, modify, suspend or revoke any order made in any proceedings under the provisions of this chapter. Failure, without just excuse, to obey any lawful order of the court in supplementary proceedings shall constitute a contempt of court.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed under Rule 46.

Mr. Pickett of Keen, for the Committee on Judiciary, to whom was referred House Bill No. 139, An act relating to interest on small loans. reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An act providing for annual reports by small loans licensees.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1. Amend chapter 319 of the Revised Laws by inserting after section 14 the following new sections:

14-a. *Annual Report.* Each licensee shall file annually during October of each year a report under oath with the bank commissioner setting forth such relevant information as he reasonably may require concerning the condition of the business as of June thirtieth for each licensed place of business conducted by such licensee within the state. Among other things, such report shall identify the licensee and licensed place of business and set forth a list of all assets used and useful in conducting the business, both tangible and intangible, the gross income and expenses including all taxes for the year, the earnings of the year and the rate thereof in relation to all assets. The income and expenses may be reconciled to the surplus account. The report shall also set forth the number and dollar size of loans made during the year and outstanding at the beginning and end of the year; loans shall be classified by size and collateral; it shall require a summary of delinquency and seizure of chattels in use by the borrower and court actions shall be given. Such report shall be in the form prescribed by the commissioner who shall



make and publish annually an analysis and recapitulation of such reports for the entire state.

14-b. *False Statements.* Any person who shall make any false statements in the annual report required by section 14-a shall be subject to the penalties of perjury.

2. Amend section 28 of chapter 319 of the Revised Laws by inserting after the word "prohibition" in the first line the words, or fails to file the annual report required by 14-a, so that said section as amended shall read as follows: 28. *Fine; Imprisonment.* Whoever violates the foregoing prohibitions or fails to file the annual report required by 14-a, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed under rule 46.

Mr. Pickett of Keene, for the Committee on Judiciary, to whom was referred House Bill No. 391, An act relative to assessment of costs in criminal cases, reported the same with the recommendation that the bill be referred to the Judicial Council for study and recommendations to be submitted to the 1951 Session of the Legislature.

The report was accepted and the recommendation of the committee adopted.

Mr. Eldridge of Exeter, for the Committee on Military and Veterans' Affairs, to whom was referred Senate Bill No. 41, An act relative to the staff of the governor as commander-in-chief, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Eldridge of Exeter, for the Committee on Military and Veterans' Affairs, to whom was referred House Bill No. 305, An act relating to amputees, reported the same with the following resolution,

*Resolved,* That it is inexpedient to legislate, subject matter covered by existing legislation.

The report was accepted and the recommendation of the committee adopted.

Mrs. Brungot of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 303, An act relative to divorce decrees, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Judiciary, to whom was referred House Bill No. 303, An act relative to divorce decrees, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

LOUIS M. JANELLE,  
BURRITT H. HINMAN,  
HENRY P. SULLIVAN,  
LAURENCE M. PICKETT,  
O. KENNETH HAMBLETON,

*A Minority of the Committee.*

The reports were accepted.

Mr. Martel of Manchester moved that the report of the minority, ought to pass be substituted for the report of the majority, inexpedient to legislate.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Martel, Sullivan of Ward 6, Manchester, Janelle of Nashua, Pickett of Keene, Reed of Goffstown and Ferguson of Pittsfield, spoke in favor of the motion.

Mesdames Cooper of Nashua, Brungot of Berlin and Wild of Jackson, and Messrs. Sawyer of Concord, Velishka of Nashua, Jones of Lebanon, Turner of Keene and Gagnon of Manchester, spoke against the motion.

Mr. Johnson of Northwood moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

On a *viva voce* vote the Chair was in doubt.

The Chair called for a division.

A division being had, 171 members having voted in the

affirmative, and 166 members having voted in the negative, the motion to substitute prevailed.

Mr. Jones of Lebanon demanded the Yeas and Nays, and the roll was called with the following result:

### Yeas, 176

GRAFTON COUNTY: Brown of Ashland, Whittier, Willey, Atkins, Sommers, Oakes, Ashley, Orr, Dusik, Barney, Anderson.

COOS COUNTY: Hinchey, Moffett, Desilets, Henderson of Berlin, Lazure, Bartlett, Christiansen, Bouchard, Fontaine, Gagnon of Berlin, Roy of Berlin, Currier, Gould, Hamlin of Dummer, Evans of Lancaster, Moses, Johnson of Milan, Baxter, Ellingwood, Phelan, Hinman.

ROCKINGHAM COUNTY: Graves, Fecteau, Rathbone, Sanborn of Fremont, Stevens, Sewall, Alessi, Dondero, Payette, Hobbs, Leary, Ingraham of Portsmouth, True, Durkee, Evans of South Hampton, Scamman.

STRAFFORD COUNTY: Stackpole, Gouin, Grimes, Marcotte, Smalley, Crandall, Dodge, Stocklan, Flanagan, Henderson of Durham, Parker, Dustin, Jones of Rochester, St. Pierre, Lacasse, Studley, Leach, Letourneau, Cater of Somersworth, Malley, Brown of Strafford.

BELKNAP COUNTY: McAllister, Kelley of Gilmanton, Hart of Laconia, Simoneau, Shannon, Thompson of Laconia, Smith of New Hampton.

CARROLL COUNTY: Remick.

MERRIMACK COUNTY: Couture, Phelps, Rancour, Coakley, Ferrin, Suosso, Corbett, Sargent, Connor of Henniker, Dudevoir, Mullaie, Bellerose, Ferguson, Stapleton.

HILLSBOROUGH COUNTY: Tracy, Black, Farwell, Hambleton, Reed of Goffstown, Doonan, Spaulding of Hudson, Kennedy of Manchester, Danforth, Geisel, Connor of Manchester, Dwyer, Martel, Sweeney, Fitzgerald, Kean, Betley, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Casey, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Zyla, Downey, Leclerc.

O'Connor, Sullivan of Manchester, Ward 7, Delisle, Kane, Roy of Manchester, Auger, Getz, Roukey, April, Lareau, Vaillancourt, Daniel of Manchester, Gauthier, Thibodeau of Manchester, Cannon, Donnelly, Wedick, Falconer, Wadleigh, Ramsdell, Boire, Landry, Belcourt, Goulet, Brosnahan, Chasse, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Grandmaison, Janelle, Osborne, Barry.

CHESHIRE COUNTY: Thomas, Edwin, Pickett, Zimmerman, Sherwin, Blake, Billings.

SULLIVAN COUNTY: Angus, Hutchins, White, Baron, Stetson, Riley, Nelson, Walker of Grantham, Downing, Gardner of Springfield, Callum.

#### Nays, 165

GRAFTON COUNTY: Wadhams, Chamberlin of Bath, Wheeler, Dunbar, Williams of Grafton, Fuller, Holden, Chamberlin of Haverhill, Perry of Haverhill, Adams of Lebanon, Cole, Dwinell and Jones of Lebanon, Collins, Hamilton, Gardner of Littleton, Kelley of Littleton, Pushee, Roberts, Bell, Loizeaux, Sawyer of Woodstock.

COOS COUNTY: Mason, Brungot, Falkenham, Fraser, Kimball, Potter, Converse of Pittsburg, Baker, Taylor.

ROCKINGHAM COUNTY: Griffin, Persson, Clark, Corson, Heon, Hepworth, Eldredge, Elwell, Richards, Weeks of Greenland, Root, Underwood, Parmenter, Carter of North Hampton, Johnson of Northwood, Colcord, Foote, Yeaton, Laraba, Bluitte, Philbrick, Haigh, Waterhouse.

STRAFFORD COUNTY: Swain, Felker, Webster, Wormhood, Horne, Rolfe, Fernald, Green of Rollinsford.

BELKNAP COUNTY: Dearborn, Obert, Weeks of Gilford, Tilton of Laconia, Brown of Laconia, Ewing, Ransom, Smith of Meredith, Atwood.

CARROLL COUNTY: Washburn, Downs, Hill, Lucy, MacGown, Wild, Banfield, Wiggin, Hodgdon, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Hardy, Nicoll, Moore, Marden, Besse, Colbath, Kennedy of Concord, Hurd, Nash, Saltmarsh,

Tilton of Concord, Bunten, Greene of Concord, Roby, Blodgett, Nawn, Sawyer of Concord, Towle, Chase, Kenney, Spiller, Carr, Lea, Holmes of Salisbury, Yerxa, Savory, Stebbins.

HILLSBOROUGH COUNTY: Wilson, French, Ellsworth, Jones of Francestown, Tirrell, English, Boynton, Crosby, Goodwin of Hollis, Reid of Litchfield, Corliss, Daniels of Manchester, Cary, Gagnon of Manchester, Peaslee of Merrimack, Atherton, Cooper, Spalding of Nashua, Cormier, Velishka, Shedd, Thompson of New Ipswich, Bigelow, Cummings of Peterborough, Myhaver.

CHESHIRE COUNTY: Ring, Miller, Walker of Hinsdale, Spofford, Perry of Jaffrey, Aldrich, Willard, Landers, Darling, Turner, Hall, Forbes, Tolman, Andrews, Kershaw, Lang, Killeen, Rhodes, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Perkins, Converse of Claremont, Bissonnett, Tewksbury, Holmes of Langdon, Cummings of Newport, Farmer, Rowell, Read of Plainfield, Russell, Williams of Washington.

The question being on the report of the minority, ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Pickett of Keene moved that the rules be suspended and the bill be put upon its third reading, by title, and final passage at the present time.

Mr. Turner of Keene asked for a division.

A division being had, 175 members having voted in the affirmative and 141 members having voted in the negative and less than two-thirds of the members having voted either in the affirmative or negative, the rules were not suspended and the motion did not prevail.

### Resolution

Mr. Spaulding of Hudson offered the following resolution:

*Resolved*, That the Speaker be authorized to appoint a committee of three to review the feasibility of improving the present amplifying system used in the House, whether by modification of present equipment or use of other types of

equipment, and to ascertain probable cost of the same, and to report their findings to the House.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed as members on such committee Messrs. Spaulding of Hudson, Fletcher of Mont Vernon and Jones of Rochester.

### Engrossed Bills Report

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 47, An act relative to the salaries of the commissioners of Hillsborough county.

House Bill No. 4, An act providing for notice to mortgagee by the tax collector.

House Bill No. 174, An act to provide for voting by ballot on transferring powers of collector of taxes to town manager.

House Bill No. 185, An act relating to photographic copies of documents and records.

House Bill No. 229, An act relating to appeals from taxes assessed against insurance companies by the insurance commissioner.

House Bill No. 407, An act relative to factors liens.

House Bill No. 419, An act relative to town appropriations for hospitals.

House Bill No. 432, An act relative to La Societe St. Jean Baptiste de Laconia.

House Bill No. 454, An act providing for revocation of acceptance of workmen's compensation in certain cases.

House Bill No. 455, An act relative to workmen's compensation; clarifying liability of third person.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 46, An act relating to the laying out of class I and II highways, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following:

4. *Duty of Commission.* Amend section 16 of Part 4 of chapter 90 of the Revised Laws as inserted by chapter 188 of

the Laws of 1945 by striking out said section and inserting in place thereof the following: 16. *Certificate of Tender*. The commission shall file with the secretary of state a certificate that payment or tender of payment of the damages assessed by the commission has been made to each owner or if the owner is unknown, or if the identity of the person who may be entitled to damage is uncertain, or the residence of such owner or person is unknown or uncertain, that tender of such damages has been made by deposit with the state treasurer, or if dispute has arisen, such tender has been made in the superior court, and the certificate of tender shall state the sum tendered to each landowner and his refusal or acceptance thereof.

On motion of Mr. Turner of Keene, the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 60, An act relating to the change of name of the Hampton Co-operative Building & Loan Association, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the last three lines and inserting in place thereof the following: thirty. 1915, is changed hereby to Hampton Co-operative Bank.

On motion of Mr. Doonan of Greenfield the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that third reading of bills and joint resolution be read by their titles only.

### Third Readings

House Bill No. 303, An act relative to divorce decrees.

Read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Kazakis of Manchester moved that the vote whereby the House passed House Bill No. 303 be reconsidered.

On a *viva voce* vote the motion to reconsider did not prevail.

House Bill No. 16, An act relating to pensions for certain officials and employees of the city of Manchester.

House Bill No. 107, An act relating to shooting human beings while hunting.

House Joint Resolution No. 19, Joint resolution in favor of the estate of Frank H. Peaslee.

House Joint Resolution No. 24, Joint resolution appropriating money for renovation of the ventilating system in the House of Representatives.

House Joint Resolution No. 29, Joint resolution in favor of the estate of William K. Davis.

House Joint Resolution No. 30, Joint resolution in favor of the estate of E. James Winslow.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 41, An act relative to the staff of the Governor as Commander-in-Chief.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Martel of Manchester at 1:35 o'clock the House adjourned.

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TUESDAY, APRIL 26, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Our Father, the God of the common things of life, hear us as we pray in the words of the poet this day:

O God, we pray that we may never reach  
For things that burn our fingertips to touch,  
For stars whose flaming loftiness may teach  
Our humble souls to hunger overmuch.



O God, we pray that we may never walk  
With men so mighty and so worldly-wise,  
We should forget our brothers' common talk  
And common things that light their darkened eyes.

Captain of Twilight, Watcher of the Sky,  
Keeper of Snowfall, Shepherd of all Springs,  
Kindler of sparks that light Eternity—  
Hear this our prayer, our prayer for common things!  
Amen.

### Leaves of Absence

Mr. Marquis of Nashua was granted leave of absence for the day on account of attending a funeral.

Mr. Oakes of Landaff was granted leave of absence for the remainder of the week on account of important business.

### Committee Reports

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 180, An act providing for the manufacture or sale of colored oleomargarine, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the last sentence (in lines 22 through 35 of the printed bill) and inserting in place thereof the words, And provided further that every packaged or wrapped unit of said products shall be so marked, so that said section as amended shall read as follows:

2. *Permitted Manufacture and Sale.* Amend section 44 of chapter 194 of the Revised Laws by striking out said section and inserting in place thereof the following: 44. *Labeling Substitutes.* No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale or have in his possession with intent to sell, any article, product or compound made wholly or partly out of any fat, oil, oleaginous substance, or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure, unadulterated milk or cream of the same, or in imitation of cheese produced from unadulterated milk or cream of the same, unless the same is contained in tubs, firkins, boxes or other packages,

each of which has upon it, to indicate the character of its contents, the words Adulterated Butter, Oleomargarine, or Imitation Cheese, as the case may be, in plain Roman letters not less than one-half inch high, and so made, placed or attached that they can readily be seen and read, and cannot be easily defaced; and, if the substance or compound is a substitute for cheese, unless the cloth surrounding it has a like inscription. And provided further that every packaged or wrapped unit of said products shall be so marked.

Amend section 4 of said bill by striking out all after the word "counter" (in the eighth line of the printed bill) so that said section shall read as follows:

4. *Prohibition.* Amend section 47 of chapter 194 of the Revised Laws by striking out said section and inserting in place thereof the following: 47. *Furnishing.* It shall be unlawful for any person to furnish or cause to be furnished, in any hotel, boarding house, restaurant, or at any lunch counter, oleomargarine, butterine, or any similar substance to any guest or patron of said hotel, boarding house, restaurant or lunch counter.

Amend said bill by renumbering section 5 to be section 6, and inserting a new section 5 as follows:

5. *Penalty.* Amend section 49 of chapter 194 of the Revised Laws by striking out said section and inserting in place thereof the following: 49. *Penalty.* Any person, firm, corporation or agent violating any of the provisions of the preceding sections of this subdivision shall be fined not less than fifty nor more than one hundred dollars for the first offense, and for each subsequent offense not less than one hundred nor more than five hundred dollars, or imprisoned not less than ten nor more than ninety days, or both.

The report was accepted.

The bill with amendment pending was laid upon the table to be printed under Rule '6.

Mr. Connor of Henniker, for the Committee on Agriculture to whom was referred Concurrent Resolution, Memorializing Congress concerning New Hampshire Rural Rehabilitation Corporation, reported the same with the recommendation that the resolution ought to pass.

The question being on the resolution of the committee.

On a *viva voce* vote the amendment was adopted, and the resolution sent to the Senate for concurrence.

Mr. Dodge of Dover, for the Committee on Insurance, to whom was referred Senate Bill No. 14, An act relative to liability insurance for tractors, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by inserting after the word "except" in the fifth line, the word, farm, so that said section as amended shall read as follows:

1. *Motor Vehicle Liability Insurance.* Amend section 1 of chapter 122 of the Revised Laws by adding at the end thereof a new paragraph to read as follows: IX. "Motor vehicle," any self-propelled vehicle not operated exclusively upon stationary tracks, except farm tractors.

The report was accepted and the amendment adopted.

Mr. Evans of Lancaster offered the following amendment:

Amend section 1 of said bill by striking out the word, "tractors" and inserting in place thereof the words, farm tractors and crawler type tractors, so that said section as amended shall read as follows:

1. *Motor Vehicle Liability Insurance.* Amend section 1 of chapter 122 of the Revised Laws by adding at the end thereof a new paragraph to read as follows: IX. "Motor vehicle," any self-propelled vehicle not operated exclusively upon stationary tracks, except farm tractors and crawler type tractors.

The question being on the amendment.

(Discussion ensued)

Mr. Evans of Lancaster spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Dodge of Dover, for the Committee on Insurance, to whom was referred Senate Bill No. 53, An act relative to limitation on amount of fraternal benefit society payments, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Banfield of Moultonborough, for the Committee on Judiciary, to whom was referred House Bill No. 297, An act relating to contracts by married women, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Married Women.* Amend section 2 of chapter 340 of the Revised Laws by striking out the same and inserting in place thereof the following: 2. *Wife's Contracts, etc.* Every married woman shall have the same rights and remedies, and shall be subject to the same liabilities in relation to property held by her in her own right, as if she were unmarried, and may make contracts, and sue and be sued, in all matters in law and equity, and upon any contract by her made, or for any wrong by her done, as if she were unmarried; provided that no contract or conveyance by a married woman as surety or guarantor for her husband, nor any undertaking by her for him or in his behalf, shall be binding on her, unless such contract or conveyance or undertaking to be signed by her before a notary public or justice of the peace and out of the presence of her husband.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 361, An act relating to fees on motor vehicles of heavy weight, reported the same in new draft and with new title, with the recommendation that the bill in its new draft and with its new title ought to pass.

The report was accepted, the bill in its new draft and title was read a first and second time, and laid upon the table to be printed.

Mr. Paquette of Nashua, for the special committee consisting of the special delegation from the city of Nashua, to whom was referred House Bill No. 367, An act to amend the charter of the city of Nashua relative to purchases by city de-

partments, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### Taken from Table

Mr. Sawyer of Concord, for the Committee on Judiciary, to whom was referred House Bill No. 236, An act relating to small claims, reported the same with the amendment, as printed in the journal of April 25, pages 7, 8 and 9 and the recommendation that the bill as amended ought to pass.

The report was accepted.

Mr. Turner of Keene moved that the bill with the amendment pending be laid upon the table and made a special order for May 2 at 11:01 o'clock.

On a *viva voce* vote the motion prevailed.

Mr. Pickett of Keene, for the Committee on Judiciary, to whom was referred House Bill No. 139. An act relating to interest on small loans, reported the same with the amendment printed in the Journal of April 25, pages 7, 8 and 9 and the and the recommendation that the bill as amended ought to pass.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Messrs. Pickett and Turner of Keene spoke in favor of the amendment.

Messrs. Cavanaugh and Betley of Manchester, and Ferguson of Pittsfield, spoke against the amendment.

Mr. Cavanaugh of Manchester demanded the Yeas and Nays and the roll was called with the following result:

### Yeas, 244

HILLSBOROUGH COUNTY: Tracy, French, Farwell, Hambleton, Reed of Goffstown, Tirrell, Adams of Greenfield, Doonan, English, Boynton, Crosby, Goodwin of Hollis, Reid of Litchfield, Corliss, Daniels of Manchester, Pillsbury, Sawyer of Manchester, Gauthier, Falconer, Wadleigh, Fletcher, Cooper, Ramsdell, Boire, Shedd, Thompson of New Ipswich, Bigelow, Cummings of Peterborough, Myhaver, Osborne.

CHESHIRE COUNTY: Miller, Spofford, Perry of Jaffrey, Aldrich, Willard, Amadon, Landers, Darling, Erwin, Smith of Keene, Turner, Pickett, Hall, Forbes, Tolman, Andrews, Sherwin, Blake, Kershaw, Lang, Killeen, Rhodes, Billings, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Perkins, Converse of Claremont, Zopf, Bissonnett, Hutchins, White, Riley, Nelson, Wirkkala, Downing, Read of Plainfield, Gardner of Springfield, Russell, Callum, Williams of Washington.

GRAFTON COUNTY: Wadhams, Brown of Ashland, Chamberlin of Bath, Whittier, Wheeler, Willey, Eggleston, Dunbar, Williams of Grafton, Atkins, Fuller, Holden, Chamberlin of Haverhill, Perry of Haverhill, Sommers, Adams of Lebanon, Ashley, Cole, Dwinell, Jones of Lebanon, Madden, Collins, Hamilton, Gardner of Littleton, Kelley of Littleton, Orr, Púshee, Roberts, Bell, Laizeaux, Barney, Sawyer of Woodstock.

COOS COUNTY: Dussault, Hinchey, Mason, Moffett, Desilets, Henderson of Berlin, Lazure, Bartlett, Brungot, Christiansen, Bouchard, Gagnon of Berlin, Roy of Berlin, Currier, Gould, Hamlin of Dummer, Fraser, Kimball, Evans of Lancaster, Moses, Johnson of Milan, Baxter, Ellingwood, Potter, Converse of Pittsburg, Phelan, Baker, Hinman, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Persson, Hazelton, Fitch, Clark, Corson, Heon, Hepworth, Fecteau, Rathbone, Richards, Sanborn of Fremont, Weeks of Greenland, Root, Stevens, Parmenter, Carter of North Hampton, Johnson of Northwood, Colcord, Durell, Foote, Yeaton, Hobbs, Laraba, Ingraham of Portsmouth, Bluitte, Philbrick, Haigh, Peever, True, Durkee, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Stackpole, Smalley, Crandall, Stocklan, Henderson of Durham, Parker, Webster, Wormhood, Horne, Rolfe, Dustin, Jones of Rochester, St. Pierre, Studley, Fernald, Green of Rollinsford, Cater of Somersworth, Malley, Brown of Strafford.

BELKNAP COUNTY: McAllister, Dearborn, Obert, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Simoneau,

Tilton of Laconia, Shannon, Piper, Thompson of Laconia, Brown of Laconia, Ewing, Ransom, Smith of Meredith, Atwood.

CARROLL COUNTY: Washburn, Downs, Hill, Thompson of Effingham, MacGown, Wild, Banfield, Wiggin, Knox, Remick, Hodgdon, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Hardy, Nicoll, Moore, Rancour, Ferrin, Flynn, Colbath, Kennedy of Concord, Hurd, Nash, Saltmarsh, Tilton of Concord, Buntin, Greene of Concord, Roby, Blodgett, Nawn, Sargent, Towle, Chase, Connor of Henniker, Mullaie, Astles, Spiller, Carr, Yerxa, Savory, Stebbins.

### Nays, 111

HILLSBOROUGH COUNTY: Wilson, Black, Ellsworth, Jones of Francestown, Danforth, Connor of Manchester, Dwyer, Martel, Sweeney, Fitzgerald, Kean, Nolan, Betley, Healy of Manchester, Kazakis, O'Brien, Shea of Manchester, Casey, Cavanaugh, Ecker, Healy of Manchester, Sullivan of Manchester, Downey, Heroux, O'Connor, Sullivan of Manchester, Delisle, Kane, Roy of Manchester, Simard, Cary, Auger, Getz, McPhail, Roche, Roukey, April, LaFlamme of Manchester, Lareau, Vaillancourt, Chapdelaine, Daniel of Manchester, Thibodeau of Manchester, Cannon, Donnelly, Wedick, Peaslee of Merrimack, Landry, Belcourt, Goulet, Brosnahan, Spalding of Nashua, Chasse, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Cote, Barry.

CHESHIRE COUNTY: Thomas, Zimmerman.

SULLIVAN COUNTY: Angus, Baron, Stetson, Tewksbury, Walker of Grantham, Holmes of Langdon, Cummings of Newport, Farmer.

GRAFTON COUNTY: Anderson.

COOS COUNTY: Fontaine, Falkenham.

ROCKINGHAM COUNTY: Eldredge, Elwell, LaBranche of Newmarket, Sewall, Alessi, Dondero, Payette, Leary.

STRAFFORD COUNTY: Gouin, Grimes, Marcotte, Felker, Dodge, Flanagan, Lacasse, Leach, Letourneau.

BELKNAP COUNTY: Smith of New Hampton.

CARROLL COUNTY: Lucy.

MERRIMACK COUNTY: Couture, Phelps, Marden, Coakley, Suosso, Corbett, Burke, LaBranche of Franklin, Lorden, Dudevoir, Kenney, Bellerose, Lea, Ferguson, Holmes of Salisbury.

### Pairs

Mr. Kennedy of Manchester voting, Yes; paired with Mr. Malatras of Manchester voting, No.

The amendment was adopted, and the bill ordered to a third reading.

### Introduction of Joint Resolution

The Committee on Rules, to whom was referred House Joint Resolution No. 32, Joint resolution in favor of the estate of Louis H. Douphinett, recommended that the resolution be referred to the Committee on Appropriations.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed, and referred to the Committee on Appropriations.

On motion of Mr. Barry of Wilton, the rules were suspended, printing and reference to a committee of the joint resolution was dispensed with.

Mr. Barry of Wilton moved that the rules be further suspended, and the joint resolution be put upon its third reading, by caption, and final passage at the present time.

On a *viva voce* vote the motion prevailed.

The joint resolution was read a third time and passed, and sent to the Senate for concurrence.

### Report of Committee of Conference

The Committee of Conference, to whom was referred House Bill No. 57, An act relative to unemployment compensation reciprocal arrangements, having considered the same, reported the same with the following recommendation. That



the House recede from its position of nonconcurrence and concur in the amendment sent down by the Senate.

JOHN W. DOLE,  
MARYE W. CARON,

*Conferees on the Part of the Senate.*

JESSE R. ROWELL,  
JOHN G. THOMPSON,  
GEORGE W. ANGUS,

*Conferees on the Part of the House.*

On a *viva voce* vote the report was adopted.

### **Resolution**

Messrs. Lebranche and Sewall of Newmarket offered the following resolution:

*Whereas*, We have learned of the tragic death of Trooper Francis E. Gillis of Newmarket, therefore be it

*Resolved*, That we extend our heartfelt sympathy to the bereaved wife and family of Trooper Gillis, and be it further

*Resolved*, That the Clerk transmit a copy of these resolutions to his wife, Doris Gillis.

On a *viva voce* vote the resolution was adopted.

The Speaker appointed the members from Newmarket as a delegation to attend the funeral.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to adopt the report of the Committee of Conference on House Bill No. 369, An act relative to service exemptions for war veterans.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

Senate Bill No. 73, An act in relation to the assessment of taxes.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 210, An act to provide for a presidential preference primary.

House Bill No. 298, An act relating to the New Hampshire Motor Carrier Act.

House Bill No. 380, An act relative to competitive bidding for county purchases.

House Bill No. 388, An act authorizing the sale of certain property of the state in the town of Dorchester.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 150, An act relative to the salary of the solicitor of Sullivan county.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Salary of Solicitor of Sullivan County.* Amend section 20 of chapter 24 of the Revised Laws as amended by chapters 40 and 136 of the Laws of 1943, and by chapters 2, 27, 202, 213, 242, 263, 268 and 270 of the Laws of 1947, by striking out the word "twelve."

On motion of Mr. Angus of Claremont the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 274, An act concerning the recognition of a divorce obtained in another jurisdiction and to make uniform the law with reference thereto.

Amend said bill by inserting before section 1 the following:

1. *Divorce Obtained in Another Jurisdiction.* Amend the Revised Laws by inserting after chapter 339 the following new chapter:

### Chapter 339-A

#### Uniform Divorce Recognition Law

Amend section 4 of said bill by striking out the word "act" and inserting in place thereof the word, Law.

Further amend said bill by renumbering sections 5 and 6 to read 2 and 3 respectively.

On motion of Mr. Laraba of Portsmouth the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 279, An act relating to capital reserve funds for cities.

Amend section 7 by striking out the last three lines and inserting in place thereof the following: vote; and the city treasurer on receipt of said copy shall transfer immediately to the trustees of trust funds of said city the amount specified in said vote.

Amend section 11 of said bill by striking out the last three lines and inserting in place thereof the following: improvement or specific item or type of equipment and such change shall be made only after a public hearing held pursuant to notice as provided in section 2.

On motion of Mr. Thompson of Laconia the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 311, An act relating to supervisory unions.

Amend section 1 of said bill by striking out the first nine lines and inserting in place thereof the following:

1. *Supervisory Unions.* Amend chapter 135 of the Revised Laws by inserting after section 46 the following new section: 47. *Budget.* At a meeting held before January first of each year the supervisory union board shall adopt a budget required for the expense of the supervisory union for the next fiscal year, which budget may include the salary and expenses of supervisors of health, physical education, music, art and guidance, and any other employees, and expenses necessary for the operation of the supervisory union. The supervisory union board shall apportion the total amount of the budget among the constituent school districts on the following basis, provided that each district shall be required

to pay for only those services in which they share. The basis for the apportionment

On motion of Mrs. Griffin of Auburn the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Senate Bill No. 24, An act relating to claims and liens against estates.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Estates.* Amend section 32 of chapter 126 of the Revised Laws by striking out the same and inserting in place thereof the following new sections: 32. *Claims and Liens.* The estate of every recipient, and the estate of his or her spouse, residing with said recipient, if any, owned severally or as joint tenants, shall be holden for all assistance granted to the recipient. All such liens shall continue during the lifetime of the recipient and of the spouse of the recipient, if any, unless sooner released by the commissioner. Within thirty days after the first grant of assistance to a recipient, the commissioner shall file with the register of deeds of the county in which the recipient, or the spouse of the recipient, if any, owns real property and with the town clerk of the town in which the recipient and the spouse of the recipient, if any, resides, notice of the lien, together with the name of the recipient, and the spouse of the recipient, if any. The register of deeds and town clerks shall keep a suitable record of such notices without charging any fee therefor and enter thereon an acknowledgment of satisfaction upon written request from the commissioner.

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of

which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 381, An act relative to the salary of the special justice of the municipal court of Dover.

Amend section 1 of the bill by striking out the words "three hundred dollars" following the word "Dover" in the third and fourth lines and in the eleventh line, and substituting in place thereof the following: ten dollars a day for each day or part thereof that he shall serve in the capacity of special justice, but not in excess of three hundred dollars per year; so that said section as amended shall read as follows:

1. *Dover Municipal Court.* Amend section 4 of chapter 377 of the Revised Laws as amended by chapters 179 and 260 of the Laws of 1947 by inserting after the words "fifteen hundred dollars" in the ninth line the words, of Dover ten dollars a day for each day or part thereof that he shall serve in the capacity of special justice, but not in excess of three hundred dollars per year, so that said section as amended shall read as follows: 4. *Compensation of Special Justices.* The special justice and justice of the peace requested to sit owing to the disqualification of the justice and special justice shall be paid, from the treasury of the city or town wherein said court is located, three dollars a day for each day or part thereof that he shall serve in said capacity; provided, that the annual salaries of the special justices of the municipal courts of the following cities and town shall be as follows, of Manchester eighteen hundred dollars, of Nashua fifteen hundred dollars, of Dover ten dollars a day for each day or part thereof that he shall serve in the capacity of special justice, but not in excess of three hundred dollars per year, of Concord five hundred dollars, of Portsmouth four hundred dollars, of Laconia two hundred dollars, and of Hampton one hundred and fifty dollars, to be paid by said cities and town, respectively, quarterly, and shall be in lieu of any other compensation or fees to such justices.

Mr. Stocklan of Dover moved that the House nonconcur; and asked that a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed.

The Speaker appointed as members on such committee, Messrs. Stocklan of Dover, Pickett of Keene and Baxter of Millsfield.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 61, An act legalizing school district meeting in the town of Newfields held March 5, 1949.

### **Senate Bill Read and Referred**

Senate Bill No. 61, An act legalizing school district meeting in the town of Newfields held March 5, 1949.

Read a first and second time and referred to the Committee on Municipal and County Government.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that third reading of bills be by their title only.

### **Third Readings**

House Bill No. 139, An act relating to interest on small loans.

Read a third time and passed and sent to the Senate for concurrence.

### **Reconsideration**

Mr. Laraba of Portsmouth moved that the House reconsider the vote whereby it passed House Bill No. 139.

On a *viva voce* vote the motion to reconsider did not prevail.

House Bill No. 297, An act relating to contracts by married women.

House Bill No. 367, An act to amend the charter of the city of Nashua relative to purchases by city departments.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 14, An act relative to liability insurance for tractors.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

Senate Bill No. 53, An act relative to limitation on amount of fraternal benefit society payments.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mrs. Christiansen of Berlin at 12:30 o'clock the House adjourned.

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WEDNESDAY, APRIL 27, 1949

The House met according to adjournment.

Prayer was offered by Rev. R. W. Grasser, Pastor of the Christian Church, Northwood Narrows.

Almighty God, who alone givest wisdom and understanding, inspire, we pray Thee, the mind of all to whom Thou hast committed the responsibility of Government and leadership in the nations of the world.

Give them the vision of truth and justice, that by their council all nations and classes may work together in true brotherhood so that all mankind may serve Thee in unity and peace now and always.

Bless especially our Governor and this Legislative Body of our Noble State that Righteousness may prevail and our days may be long in the Earth. We ask all this in the Name of Jesus our Saviour. Amen.

### **Leaves of Absence**

Messrs. Wirkkala of Lempster, Rowell of Newport, and Spaulding of Hudson, were granted leaves of absence for the day on account of important business.

### **Joint Convention**

Both Branches of the Legislature being in convention, His Excellency, The Governor, attended by the Honorable Council, delivered the following address:

**Address to Both Branches of Legislature, April 27, 1949**

**By His Excellency, Governor Sherman Adams**

I think it my duty to present some concrete suggestions about balancing our budget. Our financial situation, while unsatisfactory, might be a lot worse. In fact, it is rather better than anticipated. I am glad to report that we shall not need

as much new revenue as was indicated some little time ago. The reason for this is that we are not going to spend as much. We are currently making economies all the time and will continue to do so. Our expenditures for the current year are currently running nearly \$600,000 under our estimates. This makes it all the more apparent that further reductions in the budget which I reported to the Legislature can be made.

On yesterday I suggested to the House Appropriations Committee that a review of the budget be made, that all new bills now before the Committee be heard, and an estimate of the amount of money required to operate the government during the next biennium be made at as early a date as possible. The committee is co-operating to the fullest extent.

In order to lay before you a program for balancing the budget, it is obviously necessary to anticipate the needs for cash as of today. Due to corrections which have been made in certain items accruing to the sinking fund, and the reductions in our expenditures noted above, it is evident that our apparent deficit for the biennium is now reduced from \$6,400,000 to \$5,200,000. I estimate that decreases of \$1,750,000 can be made in the budgets of the several departments for the ensuing biennium, and that new appropriations to make permanent wage adjustments for State employees, and for certain other purposes, will not exceed \$2,250,000. This results in needed new revenue amounting to \$5,700,000. These figures may be subject to some adjustments.

Proceeding on this basis, however, would not be "pay-as-you-go." Since the current deficit is based upon the transfer of all sinking fund balances, it is necessary to leave as much at the end of two years as we find if we really operate on a "pay-as-you-go" basis. The amount estimated in the sinking fund at the end of this fiscal year is, in round figures, \$1,000,000. To leave this amount at the end of two years means the addition of a similar amount to the requirements for cash. This total is \$6,700,000. In other words, raising \$6,700,000 will pay for the essential services of this government and leave the State, at the end of two years, with a sinking fund balance of approximately the same as at the beginning of the biennium.

At this point I want to call your attention to the State debt. At the end of March, this year, we had outstanding in



bonds and long-term notes, \$10,825,000. On the basis of our population of 534,000, estimated by the Bureau of Census as of July 31, 1947, our gross per capita debt amounted to \$20.27. The average gross per capita debt, for all states, according to the Bureau of Census figures for December 31, 1948, was \$25.00. While our current bond and note indebtedness is not at present dangerous, we need to watch out where we are going. At the end of this biennium our outstanding bonds and notes are expected to increase to approximately \$22,885,000. The increase is as follows: General bonds, \$3,900,000; Highway bonds, \$5,000,000; Toll road bonds, \$6,500,000; Total, \$15,400,000. During the biennium there will be redeemed \$3,340,000, resulting in a per capita bonded indebtedness of approximately \$43.00. This is a very sharp increase. While a larger portion of these bonds will be financed by road tolls we must commence to apply the brakes in the direction of further bonded indebtedness.

Now let's get back to where the money is coming from. If we can hold the need for cash down to the amounts to which I have referred, we can balance our budget with a very modest tax program.

I recommend laying a tax of one per cent on net earned income, with exemptions as recommended by the Interim Tax Committee, and further exempting the tax on interest and dividends which already bear a tax of four percent. This tax will yield at least \$775,000.

I recommend the increase in the mark-up on liquor, to yield \$500,000; together with an increase in the tax on tobacco from 15 to 21 per cent, which will yield approximately \$400,000.

I recommend a tax of one-half of one per cent on sales, to yield \$1,800,000.

The total estimated revenue from the foregoing will be \$3,475,000, or a yield in the biennium of approximately \$6,950,000.

Let me say further that the estimated income in each field of taxation has been carefully checked. Sources have been consulted, both inside and outside of New Hampshire, from the

point of view of expected income both to individuals and corporations and anticipated sales volume during the bien-nium.

As I am well aware, it is hardly possible to expect an unanimous agreement on any revenue bill. The recommendations I have made, however, will create no unbearable hardship and I recommend their adoption. I am sure that we can work out further operating economics so that at the end of these two years our picture will be substantially improved. I ask you to assist in making this program effective, and you can be assured that every possible economy will be sought for in the expenditure of every penny of public money.

On motion of Senator Otis of District No. 15 the convention rose.

### **House**

#### **Introduction of Bills**

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Bill No. 511, An act relative to itinerant retailers of tobacco products. To the Committee on Ways and Means.

By Committee on Rules, House Bill No. 512, An act relative to the charter of the city of Dover. To the Special Committee composed of the members of the Dover Delegation.

#### **Taken from the Table**

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 180, An act providing for the manufacture or sale of colored oleo-margarine, reported the same with the amendment as printed in the Journal of April 26, Tuesday, on pages 3, 4 and 5, and the recommendation that the bill as amended ought to pass.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Messrs. Connor of Henniker, Scammon of Stratham and Maltras of Manchester and Mrs. Richards of Exeter, spoke in favor of the amendment.

Messrs. Willey of Campton, Holden of Hanover, Barney of Rumney, Lea of Pembroke, Wadhams of Alexandria, Pickett of Keene and Astles of Hopkinton, and Mrs. Brungot of Berlin, spoke against the amendment.

Mr. Laraba of Portsmouth moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment.

Mr. Evans of South Hampton asked for a division.

A division being had, 103 members having voted in the affirmative, and 230 members having voted in the negative, the amendment was not adopted.

The question being, Shall the bill be read a third time?

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Willey of Campton moved that the rules be suspended, and House Bill No. 180, be put upon its third reading, by title, and final passage at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mrs. Brungot of Berlin moved that the House reconsider the vote whereby the House passed House Bill No. 180.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 390, An act relating to state aid for the construction of new school buildings and making additions to existing buildings, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 493, An act to provide

additional state aid for schools, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred Senate Bill No. 48, An act relative to aid for handicapped children, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Bill No. 258, An act relative to maintenance of recreational roads, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Bill No. 474, An act relative to state bridge aid, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Sanborn of Wakefield, for the Committee on Appropriations, to whom was referred Senate Bill No. 33, An act relative to the board of parole, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 498, An act relating to forest fires, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wedick of Manchester for the Committee on Forestry and Recreation, to whom was referred Concurrent Resolution, resolution regarding land beneath navigable

waters within its boundaries, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Ewing of Laconia, for the Committee on Public Welfare and State Institutions, to whom was referred Senate Bill No. 58, An act relative to Concord Female Charitable Society, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 412, An act relative to the state board of fire control, reported the same in new draft and title, with the recommendation that the bill in new draft be recommitted to the Committee on Judiciary.

The report was accepted, the bill in its new draft and title, read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Judiciary.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 438, An act relative to real estate brokers and salesmen, reported the same in new draft, with the recommendation that the bill in its new draft be recommitted to the Committee on Judiciary.

The report was accepted, the bill in its new draft, read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Judiciary.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 428, In new draft, An act relative to purchases by the purchasing agent, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph V of section 4 as inserted by section 1 of said bill by adding after the word "trustees" in line two the words, department head, so that said paragraph as amended shall read as follows:

V. "Governing board" shall mean and include the board, commission, board of trustees, department head or other ad-

ministrative body responsible for the conduct of any agency.

Amend paragraph (e) of section 5 as inserted by section 1 of said bill by adding after the word "dollars" in line 4 the words, and when the best interests of the state would be served thereby, so that said paragraph as amended shall read as follows:

(e) require competitive bidding before making any purchase for the state pursuant to the provisions of this chapter, except (1) when the purchase involves a total expenditure of less than two hundred dollars, and when the best interests of the state would be served thereby, (2) when, after reasonable investigation by the purchasing agent, it appears that any required unit or item of supply, or brand of such unit or item, is procurable by the state from only one source, (3) when, after reasonable investigation by the purchasing agent, it appears that any required unit or item of supply, or brand of such unit or item, has a fixed market price at all sources available to the state, (4) when, in the opinion of the governor and council, an emergency exists of a nature which requires the immediate procurement of supplies; provided, however, that whenever the governor shall determine that an emergency exists and where he also deems it inexpedient to convene the council, he alone may authorize the purchasing agent to make a purchase without competitive bidding.

Amend paragraph II of section 7 as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following:

II. Upon the joint recommendation of the purchasing agent and the governing board of any agency, the governor and council in their discretion may authorize such governing board, or one or more individuals designated by such governing board, to purchase supplies for the said agency directly from vendors in such quantities and for such sums as the governor and council shall prescribe; provided, however, that any such authority shall be subject to the limitations of the amounts appropriated and the purposes authorized by the legislature for the said agency, and provided further that all such delegations of purchasing authority as provided herein shall expire on December 31 of the even numbered years. Whenever such purchasing authority is so delegated to any

agency, the requirements of paragraphs (c) (d) and (e) of section 5 and the requirements of section 6 of this chapter, as prescribed for the purchasing agent, shall apply to the governing board or the authorized agent thereof exercising such delegated authority.

Amend section 9 as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following:

9. *Additional Purchases.* In addition to the foregoing duties the purchasing agent may purchase supplies for any county, city, town school district, special district or precinct or any other governmental subdivision whenever the governing body thereof so desires and the purchasing agent deems that he can make such purchases advantageously.

The report was accepted.

The bill with the amendment pending was laid upon the table under Rule 46.

### Resolutions

Mr. Tilton of Laconia offered the following resolution:

*Resolved,* That the Clerk be instructed to procure 500 extra copies of the Journal of today, Wednesday, April 27, 1949.

*Further Resolved,* That the Clerk be instructed to have mailed said Journal by first class mail to each member of the House for perusal over the week-end.

On a *viva voce* vote the resolution was adopted.

Mrs. Graves of Brentwood offered the following resolution:

*Whereas,* we have learned with sorrow of the passing of Mrs. Bridget Sullivan, mother of Mrs. Alice V. Flanders, House Stenographer, therefore be it

*Resolved,* That we extend to Mrs. Flanders our deep sympathy and be it further

*Resolved,* That the Clerk of the House transmit to Mrs. Flanders a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 65, An act legalizing certain proceedings for meetings in the town of Greenfield.

Senate Bill No. 66, An act legalizing certain meetings in the town of Francestown.

House Bill No. 298, An act relating to the New Hampshire Motor Carrier Act.

House Bill No. 369, An act relative to service exemption for war veterans.

House Bill No. 380, An act relative to competitive bidding for county purchases.

House Bill No. 388, An act authorizing the sale of certain property of the State in the town of Dorchester.

House Bill No. 417, An act relative to taxation of property.

House Bill No. 465, An act relating to conversion between state building and loan associations and federal savings and loan associations.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to recall from the Governor, House Bill No. 185, An act relating to photographic copies of documents and records for further consideration.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

Senate Bill No. 46, An act relating to the laying out of class I and II highways.

Senate Bill No. 60, An act relating to the change of name of the Hampton Co-operative Building & Loan Association.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill and joint resolution sent up from the House of Representatives.



House Bill No. 404, An act relating to New England College.

House Joint Resolution No. 24, Joint resolution appropriating money for renovation of the ventilating system in the House of Representatives.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 89, An act relating to residential requirements for primary candidates.

Senate Bill No. 95, An act relative to fishing in Cold Spring Pond in Allentown.

### **Senate Bills Read and Referred**

Senate Bill No. 89, An act relating to residential requirements for primary candidates.

Read a first and second time, and referred to the Committee on Judiciary.

Senate Bill No. 95, An act relative to fishing in Cold Spring Pond in Allentown.

Read a first and second time, and referred to the Committee on Fisheries and Game.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that third reading of bills be by their title only, and when the House adjourns today it adjourns to meet Tuesday morning at 11:00 o'clock.

### **Third Readings**

House Bill No. 258, An act relative to maintenance of recreational roads.

House Bill No. 474, An act relative to state bridge aid.

House Bill No. 498, An act relating to forest fires.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 33, An act relative to the board of parole.

Senate Bill No. 48, An act relative to aid for handicapped children.

Senate Bill No. 58, An act relative to Concord Female Charitable Society.

Severally read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Lazure of Berlin at 12:55 o'clock the House adjourned.

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TUESDAY, MAY 3, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O Lord, who hast said: "To whom much is given, of him shall much be required," make us deeply sensible of our stewardship, and worthy custadions of the great trust Thou hast laid upon us. Thou hast endowed us with liberty, may we not turn that freedom into license; Thou hast given us, the people of this land, richly of material things, help us to use them for the welfare of all peoples; Thou hast given us knowledge and understanding of Thy will, make us faithful stewards in the distribution of these great gifts; through the same, Jesus Christ our Lord. Amen.

#### Leave of Absence

Mr. Fitch of Deerfield was granted leave of absence for the day on account of important business.

Messrs. Dunbar of Enfield and Stackpole of Dover were granted leaves of absence for the day on account of illness.

Mr. Rolfe of Rochester was granted leave of absence for the week on account of important business.

Messrs. Smith of Keene and Elliott of Milford were granted leaves of absence for the week on account of illness.

Mr. Hutchins of Claremont was granted leave of absence until further notice on account of important business.

#### Opinions of Supreme Court

The following opinions were ordered printed in the Journal:

*To the House of Representatives:*

The undersigned Justices of the Supreme Court make answer as follows to the inquiries contained in your resolution

with reference to House Bill number 320 entitled "An act relating to the extermination of wild boar in the counties of Sullivan and Grafton."

In the *Opinion of the Justices*, 67 N. H. 600, the Governor and Council were advised that "The authority of either branch of the legislature and of the governor and council, under Art. 73 of the constitution, to require the opinions of the justices of the superior court does not apply to questions not touching the power or duty of the body asking." In the *Opinion of the Justices*, 62 N. H. 704, the Governor and Council were advised that "The 74th article of the constitution, authorizing each branch of the legislature, as well as the governor and council, to require the opinions of the justices of the superior court upon important questions of law and upon solemn occasions, does not authorize a requisition for advice on a question affecting private rights alone on which interested persons are entitled to be heard." To the same effect is the *Opinion of the Justices*, 70 N. H. 638.

In our opinion the questions contained in your resolution are in conflict with both of the foregoing principles. 1. They are not questions directly involving the power or duty of the House of Representatives. 2. They are questions of law affecting private rights alone on which interested persons are entitled to be heard.

For these reasons we respectfully request that we be excused from answering the questions contained in your resolution.

OLIVER W. BRANCH  
FRANCIS W. JOHNSTON  
FRANK R. KENISON  
LAURENCE I. DUNCAN  
AMOS N. BLANDIN, JR.

May 3, 1949.

*To the House of Representatives:*

The undersigned Justices of the Supreme Court make answer as follows to the inquiries contained in your resolution with reference to House Bill No. 393, entitled, "An Act Creating a State Apple Commission."

Your first question reads as follows: "Is it constitutional to have an excise tax or assessment as specified in Section 4,

to be used for the purpose set forth in Section 3, entitled: 'Powers and Duties of the Commission?' "

The Act contains the following provision: "4. *Excise Tax Levied.* There is hereby levied on all commercial apples grown in the state and moving into the channels of commerce, beginning with the year One Thousand Nine Hundred and Forty-nine, an assessment of one cent per bushel."

We are of the opinion that a tax of the kind specified cannot be laid in this state. It comes within the class of occupation taxes which were condemned in the *Opinion of the Justices*, 82 N. H. 561, 563. The raising and selling of apples involves "only the ordinary transactions of private life." It contains "No element subject to supervision either under the police power or as things affected with a public use." "The mere statement of the general proposition is sufficient to show that it unquestionably exceeds the legislative power." *Opinion of the Justices, supra.* "The provision for laying excises, contained in the constitution of Massachusetts, was omitted from that of New Hampshire. *State v. Company*, 60 N. H. 219, 249. 'There is no warrant for the imposition of any other tax than one assessed upon a proportional and equal valuation of all the different kinds of property on which it is to be levied.' *Ib.*, 246. *Amoskeag Mfg. Co. v. Manchester*, 70 N. H. 336. No authority has been given to prescribe 'an arbitrary imposition of specific taxes upon the objects named.' *Opinion of the Justices*, 76 N. H. 588, 596."

Since in our opinion the proposed tax is unconstitutional, there appears to be no occasion to answer the second and third inquiries contained in your resolution.

OLIVER W. BRANCH  
FRANCIS W. JOHNSTON  
FRANK R. KENISON  
LAURENCE I. DUNCAN  
AMOS N. BLANDIN, JR.

May 3, 1949.

### Committee Reports

Mr. Henderson of Durham, for the Committee on Appropriations, to whom was referred House Bill No. 478, An act relative to construction and reconstruction of primary and

secondary highways, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Moffett of Berlin, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 315, An act relating to elimination of certain surety bonds, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Aldrich of Keene, for the Committee on Executive Departments and Administration, to whom was referred House Joint Resolution No. 18, Joint resolution establishing a commission to investigate the advisability of third-party liability insurance, so-called, as it affects the state, its departments, commissions and agencies, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Philbrick of Rye, for the Committee on Public Works, to whom was referred House Bill No. 483, An act relative to certain improvements in lakes, ponds, rivers and streams and other forms of public works, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Jones of Rochester, for the Committee on Ways and Means, to whom was referred Senate Bill No. 37, An act relative to pari-mutuel pools at race meets at agricultural fairs, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Dwinnell of Lebanon, for the Committee on Ways and Means, to whom was referred Senate Bill No. 64, An act de-

fining "wholesaler" and "sub-jobber" under the Tobacco Tax Act so-called, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Dwinnell of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 188, An act in amendment of chapter 84 of the Revised Laws relating to the franchise tax, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, declared unconstitutional by Supreme Court.

The report was accepted and the resolution of the committee adopted.

Mr. Thomas of Dublin, for the Committee on Ways and Means, to whom was referred House Bill No. 214, An act to re-impose the state tax on real estate, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Scammon of Stratham, for the Committee on Ways and Means, to whom was referred House Bill No. 439, An act relative to a tax on meals served to the public, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Thomas of Dublin, for the Committee on Ways and Means, to whom was referred House Bill No. 462, An act to provide for the assessment and collection of a temporary state tax for a term of two years, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

### **Taken from the Table**

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 428, An act relative to purchases by the purchasing agent, reported the same with the amendment as printed in Journal of April 27, pages 10 and 11, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

### **Resolutions**

Mr. Tilton of Laconia offered the following resolution:

*Whereas*, we have learned with sorrow of the death of Ross L. Piper, Representative from Laconia in the sessions of the 1947 and 1949 Legislature, therefore be it

*Resolved*, That we mourn the passing of our fellow member and extend our heartfelt sympathy to the family in its bereavement, and be it further

*Resolved*, That the Speaker designate the delegation of Laconia attend the funeral services, and that the Clerk be instructed to procure a floral tribute, and be it further

*Resolved*, That a copy of these resolutions be sent to Mrs. Piper.

The resolution was unanimously adopted by a rising vote.

### **Motion**

Mr. Pillsbury of Manchester moved that the Special Committee consisting of the delegation from the city of Manchester be ordered to report House Bills Nos. 434 and 436, and the bills be laid upon the table and made a special order for Tuesday, May 10 at 11:01 and 11:02 o'clock respectively.

The question being on the motion.

(Discussion ensued)

Messrs. Pillsbury and Kennedy of Manchester spoke in favor of the motion.

Messrs. Sullivan of Ward 7, Sullivan of Ward 6, and Kazakis of Manchester and Stocklan of Dover, spoke against the motion.

Mr. Pillsbury of Manchester asked for a division.

A division being had, 113 members having voted in the affirmative, and 205 members having voted in the negative, the motion did not prevail.

### Concurrent Resolution

Mr. Nash of Concord offered the following concurrent resolution.

*Be It Resolved* by the House of Representatives, the Senate concurring, the House and Senate in Joint convention invite the Hon. Charles W. Tobey, United States Senator, to address the joint convention of House and Senate on Wednesday, May 4, 1949 at 11 A. M.

The question being on the concurrent resolution.

(Discussion ensued)

Mr. Nash of Concord spoke in favor of the concurrent resolution.

On a *viva voce* vote the resolution was adopted.

### Special Order

Mr. Turner of Keene called for the special order, it being House Bill No. 236, An act relating to small claims.

The question being on the amendment as printed in the Journal.

Mr. Turner of Keene moved that the bill with the amendment pending, be recommitted to the Committee on Judiciary.

The question being on the motion.

(Discussion ensued)

Mr. Turner of Keene spoke in favor of the motion.

On a *viva voce* vote the motion prevailed, and the bill with the amendment pending was recommitted.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Joint Resolution No. 24, Resolution appropriating money for the renovation of the ventilating system in the House of Representatives.



Senate Bill No. 24, An act relating to claims and liens against estates.

Senate Bill No. 33, An act relative to the Board of Parole.

Senate Bill No. 41, An act relative to the staff of the Governor as commander-in-chief.

Senate Bill No. 46, An act relating to the laying out of Class I and II highways.

Senate Bill No. 48, An act relative to aid for handicapped children.

Senate Bill No. 53, An act relative to limitation on amount of fraternal benefit society payments.

Senate Bill No. 58, An act relative to Concord Female Charitable Society.

Senate Bill No. 60, An act relating to the change of name of the Hampton Co-operative Building & Loan Association.

Senate Bill No. 73, An act in relation to the assessment of taxes.

House Bill No. 57, An act relative to unemployment compensation reciprocal arrangements.

House Bill No. 100, An act relating to a road use tax on certain out-of-state vehicles.

House Bill No. 150, An act relative to the salary of the Solicitor of Sullivan County.

House Bill No. 274, An act concerning the recognition of a divorce obtained in another jurisdiction and to make uniform the law with reference thereto.

House Bill No. 279, An act relating to capital funds for cities.

House Bill No. 311, An act relating to supervisory unions.

House Bill No. 319, An act relating to neglect of husband or father to support wife and children and neglect of mother.

House Bill No. 404, An act relating to New England College.

House Bill No. 468, An act relating to the expiration of licenses to operate motor vehicles.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House

of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 100, An act relating to a road use tax on certain out of state vehicles.

House Bill No. 367, An act to amend the charter of the city of Nashua relative to purchases by city departments.

House Bill No. 464, An act relative to operators and commercial operators licenses.

House Bill No. 468, An act relating to the expiration of licenses to operate motor vehicles.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 98, An act providing for the classification of certain surface waters.

Amend section 1 of said bill by inserting immediately following paragraph XXXI, paragraph XXXII to read as follows:

XXXII. Ammonoosuc River and its tributaries, in the towns and places of Bethlehem, Carroll, Low and Burbank's Grant, Thompson and Meserve's Purchase, Crawford's Purchase, Nash and Sawyer's Location and New Hampshire State Federal Reserve, except those portions given in paragraphs XXX and XXXI, from their sources to the down stream side of Pierce Bridge in the town of Bethlehem, Class B-1. Any order for abatement of pollution in the streams mentioned in this paragraph shall be deemed to be complied with if the pollution is abated in a period of fifteen years from the date of order, anything to the contrary in paragraph II of section 7, chapter 166-A of the Revised Laws notwithstanding.

Further amend said bill by inserting after section 1 the following new section:

2. *Duties of the Commission.* Amend paragraph VI of section 4, chapter 166-A of the Revised Laws as inserted by chapter 183 of the Laws of 1947 by adding at the end thereof the following new sentence, Those who have already incurred expense in order to comply with a classification adopted by the

legislature or made under section 9 hereof, shall be equally eligible to receive any federal or other moneys with those who have not incurred but who are required to incur expense by reason of any such classification, so that said paragraph as amended shall read: VI. To investigate and approve the applications of those municipalities, industries or other persons of the state as may request state or federal aid that may at any time be made available in the interest of pollution control. To this end the commission shall be the state agency designated to receive or to make agreements on behalf of the state for any federal or other moneys as may be allotted for such purposes. Those who have already incurred expenses in order to comply with a classification adopted by the legislature or made under section 9 hereof, shall be equally eligible to receive any federal or other moneys with those who have not incurred but who are required to incur expense by reason of any such classification.

3. *Procedure Under Pollution Act.* Amend paragraph I, section 7, chapter 166-A of the Revised Laws as inserted by chapter 183 of the Laws of 1947 by adding at the end thereof the following new sentence, In any instance when the commission shall set a time limit for abatement of pollution under paragraph II, there shall be no prosecutions under this paragraph until after such time limit shall have expired, so that said paragraph as amended shall read as follows: I. After adoption of a given classification for a stream, lake, pond, tidal water, or section thereof, the commission shall enforce such classification by appropriate action in the courts of the state, and it shall be unlawful for any person or persons, to dispose of any sewage, industrial, or other wastes either along or in conjunction with any other person or persons, in such a manner as will lower the quality of the waters of the stream, lake, pond, tidal water, or section thereof below the minimum requirements of the adopted classification. In any instance when the commission shall set a time limit for abatement of pollution under paragraph II, there shall be no prosecutions under this paragraph until after such time limit shall have expired.

4. *Extension of Time.* Amend paragraph II, section 7, of chapter 166-A of the Revised Laws as inserted by chapter 183 of the Laws of 1947 by striking out said paragraph and inserting in place thereof the following: II. If, after adop-

tion of a classification of any stream, lake, pond, tidal water, or section thereof, including those classified by section 9, it is found that there is a source or sources of pollution, which lowers the quality of the waters in question below the minimum requirements of the classification so established, the person, or persons responsible for the discharging of such pollution shall be required to abate such pollution, within a time to be fixed by the commission. If such pollution be of municipal or industrial origin, the time limit set by the commission for such abatement shall not be less than two years nor more than five years. For good cause shown the commission may from time to time extend any time limit established under this paragraph. Orders of the commission establishing or extending time limits or refusing to do so shall be subject to appeal as provided in section 12.

5. *Application to Court.* Amend chapter 166-A of the Revised Laws as inserted by chapter 183 of the Laws of 1947 by inserting after section 7 the following new section: 7-a. *Variances.* Within six months after adoption of a given classification by the legislature, any person chargeable with the responsibility of abating pollution as a result of such classification may apply to the superior court in and for the county in which such pollution is occurring by sworn petition praying for a variance in such classification as applied to his specific case. In such petition the state shall be named as defendant and service shall be made on the attorney general. After hearing the court may enter a decree authorizing such variance from the classification in the specific case before it as will not be contrary to the public interest, giving consideration to the public advantages that will accrue from such abatement, the financial hardship to the petitioner occasioned by such abatement, and such other conditions as may lead the court to believe that the literal enforcement of the classification will result in substantial injustice to the petitioner unless such variance is granted.

Further amend said bill by renumbering section 2 to read section 6.

On motion of Mr. Besse of Concord the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on House Bill No. 57, An act relative to unemployment compensation reciprocal arrangements.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 14, An act relative to liability insurance for tractors.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 136, An act relative to liens on logs, lumber on pulpwood for advances made, having considered the same, reported the same with the following amendment:

Amend said bill by striking out the definition of "registered mark" and inserting in place thereof the following:

The term "registered mark" as used in the foregoing sentence of this section shall mean a mark described in a certificate of registration issued by the secretary of state pursuant to the provisions of the following paragraph hereof, and recorded in the registry of deeds for the county in which such logs, lumber or pulpwood were situated when such registered mark was placed thereon, in the manner provided for herein.

Further amend said bill by striking out the paragraph numbered (c) of section 1 and inserting in place thereof the following:

(c) The fee for registering each such mark with the secretary of state, which fee shall include the issuance of the certificate of registration thereof, shall be five dollars. The fee for the issuance of each certified copy of such certificate, by the secretary of state, shall be one dollar. The fee for recording a certified copy of any such certificate of registration in any registry of deeds shall be one dollar.

Further amend said bill by striking out section 2 thereof and inserting in place thereof the following:

2. *Exception.* Amend section 19 of chapter 264 of the Revised Laws by striking out said section and inserting in place thereof the following: 19. *Duration.* The lien created by sections 12 to 17 inclusive shall continue for ninety days after the services are performed, or the materials, supplies or other things are furnished, unless payment therefor is previously made, and shall take precedence of all prior claims except liens on account of taxes, provided that the limitations herein provided shall not apply to liens created by section 14-a.

On motion of Mr. Hinman of Stratford, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secreary of State to be engrossed.

The message also announced the the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 91, An act relative to expenditures by the highway department.

Senate Bill No. 97, An act relative to deposit of city funds in banks.

### Senate Bills Read and Referred

Senate Bill No. 91, An act relative to expenditures by the highway department.

Read a first and second time and referred to the Committee on Appropriations.

Senate Bill No. 97, An act relative to deposit of city funds in banks.

Read a first and second time and referred to the Committee on Banks.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that third reading of bills be by their title only.

### Third Readings

House Bill No. 428, An act relative to purchases by the purchasing agent.

House Bill No. 478, An act relative to construction and reconstruction of primary and secondary highways.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 37, An act relative to pari mutuel pools at race meets at agricultural fairs.

Senate Bill No. 64, An act defining "wholesaler" and "sub-jobber" under the tobacco tax act so-called.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Paquette of Nashua at 12:20 o'clock the House adjourned.

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WEDNESDAY, MAY 4, 1949

The House met according to adjournment.

Prayer was offered by Rev. Burton G. Robbins, Pastor of Methodist Church, Exeter.

Almighty and everlasting God, who hast made man but little lower than the angels and hast crowned him with glory and honor, giving him dominion over the works of Thy hands, and the power to execute judgment and justice in the earth, grant us Thy grace, we humbly beseech Thee, that we may always approve ourselves, a people mindful of Thy favor, and glad to do Thy will. As Thy servants present themselves before Thee in the exercises of this General Court, grant to each and all that breadth of vision, that depth of understanding, and that earnestness of purpose which shall make possible to them the use of that wisdom which cometh down from above.

Make us godly for man's sake and manly for God's sake, that we may live as the sons of God among men. Save us from violence, disorder and confusion, from pride and arrogance, and from every evil way. Confirm in us the holiness of true reason; strengthen in us the aspiration toward noble and spacious thinking; help us that we may be lifted above the clouds of

passion and the mists of prejudice, and think Thine own thoughts after Thee.

Support us all the day long of this troublous life until the shadows lengthen, and the evening comes, and the busy world is hushed, and the fever of life is over, and our work is done. Then in Thy mercy grant us a safe lodging, a holy rest and at the last peace. Through Jesus Christ our Lord. Amen.

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### Joint Convention

Pursuant to a concurrent resolution adopted by both branches, the Honorable Senator Charles W. Tobey addressed the convention.

On motion of Senator Reinhart of District No. 24 the convention rose.

### House

#### Leaves of Absence

Messrs. Sommers of Holderness and Read of Goffstown were granted leave of absence for the day on account of important business.

Mr. Yeaton of Portsmouth was granted leave of absence for the day on account of attending a funeral.

#### Committee Reports

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 393, An act creating a state apple commission, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate; declared unconstitutional by Supreme Court.

The report was accepted and the resolution of the committee adopted.

Mr. Rathbone of Exeter, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 343, (in new draft), An act to provide for the registration of trade-marks, labels, brands, designs, devices, symbols, and forms of advertisements, reported the same with the recommendation that the bill ought to pass.



The report was accepted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 105, An act relating to the taking of beaver, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 109, An act relating to damage by beavers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 183, An act relative to the taking of beaver in certain counties of the state, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 327, An act relating to the possession of jacks, etc. in hunting, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 421, An act increasing the bag limit on wild deer, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 500, An act relative to deer hunting, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred Senate Bill No. 69, An act extending the powers of the North Walpole Village Precinct, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred Senate Bill No. 76, An act relative to the Village District of Walpole, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Wadleigh of Milford, for the Committee on Judiciary, to whom was referred Senate Bill No. 79, An act relating to interest on delinquent taxes, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Brungot of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 502, An act legalizing town meeting held March 8, 1949 in Littleton, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 481, An act relative to merit ratings under the unemployment compensation system, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *General Experience Rating.* Amend the fifth paragraph of subsection D, section 6 of chapter 218, of the Revised Laws, as amended by section 14, chapter 138 of the Laws of 1945, and by section 17, chapter 59 of the Laws of 1947, by striking out said paragraph and inserting in place thereof the following: no employer shall be entitled to an experience rating under this subsection for any calendar year unless and until the balance in the unemployment compensation fund as of January 1 of such calendar year equals or exceeds twelve million dollars; and further provided that no employer shall be entitled to the experience rating granted under this section unless and until there shall have been three consecutive calendar years immediately preceding the computation date throughout which the account of such employer was chargeable with benefits; it being further provided that the time the operation of a business of an employer was suspended because of the employer's service in the armed forces during World War II, shall be considered as if the business had been actively and continuously operating during such period.

2. *Merit Ratings.* Amend paragraph (1), subsection E, section 6 of chapter 218 of the Revised Laws, by striking out said paragraph and inserting in place thereof the following: (1) Each employer's rate shall be the amount determined under subsection D of this section except as otherwise provided in the following provisions. No employer's rate shall be less than the amount determined in accordance with subsection D of this section unless and until there shall have been three consecutive calendar years immediately preceding the computation date throughout which the account of such employer was chargeable with benefits; it being further provided that the time the operation of a business of an employer was suspended because of the employer's service in the armed forces during World War II, shall be considered as if the business had been actively and continuously operating during such period.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill, with the amendment pending, was laid upon the table to be printed under Rule No. 46.

Mr. Foote of Portsmouth, for the Committee on Liquor Laws, to whom was referred House Bill No. 446, An act relative to sales of liquor, reported the same with the following resolution :

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Foote of Portsmouth, for the Committee on Liquor Laws, to whom was referred House Bill No. 447, An act relating to vendors of liquor, reported the same with the following resolution :

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Besse of Concord, for the Committee on Public Health, to whom was referred Senate Bill No. 7, An act relative to the practice of physiotherapy, reported the same with the following resolution :

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Collins of Lisbon, for the Committee on Public Health, to whom was referred Concurrent Resolution, Resolution memorializing congress urging passage of a senate bill relating to multiple sclerosis and related neurological diseases, reported the same with the recommendation that the concurrent resolution be adopted.

The report was accepted.

The concurrent resolution was adopted, and sent to the Senate for concurrence.

Mr. Blake of Swanzey, for the Committee on Public Works, to whom was referred Senate Joint Resolution No. 11, Joint resolution concerning a bridge in the town of Warner, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

### **Taken from Table**

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 361, An act relating to fees on motor vehicles of heavy weight, in new draft and with new title, reported the same as printed in the Journal, Tuesday, April 26, on page 7, with the recommendation that the bill in its new draft and with its new title ought to pass.

The report was accepted, and the bill ordered to a third reading.

On motion of Mr. Nash of Concord the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that third reading of bills be by their title only, and third reading of a joint resolution by its caption only.

### **Third Readings**

House Bill No. 105, An act relating to the taking of beaver.

House Bill No. 343, An act to provide for the registration of trade-marks, labels, brands, designs, devices, symbols, and forms of advertisements.

House Bill No. 361, (in new draft and with new title), An act relative to fees for special permits to move objects to vehicles and loads.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 69, An act extending the powers of the North Walpole Village Precinct.

Senate Bill No. 76, An act relative to the Village District of Walpole.

Senate Bill No. 79, An act relating to interest on delinquent taxes.

Senate Joint Resolution No. 11, Joint resolution concerning a bridge in the town of Warner.

Severally read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Nash of Concord at 12:00 o'clock the House adjourned.

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THURSDAY, MAY 5, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, thou God of nations, whose throne is the seat of truth and justice, and whose power is the strength of righteousness; in these days of crisis in our nation and in the world, we beseech thee to direct our steps, guard us from error and save us from false judgment. Make us faithful stewards of thy righteousness and justice in these momentous times, and give us thankful hearts for the present signs of better conditions in the cold war among the nations of the earth. We ask it in the name of the Prince of Peace. Amen.

### Introduction of Bill

The following bill was introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 513, An act relating to the tax on tobacco. To the Committee on Ways and Means.

### Leaves of Absence

Mr. Redden of Dover was granted leave of absence for the day on account of illness.

Messrs. Barney of Rumney, Cummings of Peterborough and Rowell of Newport, were granted leaves of absence for the day on account of important business.

### Committee Reports

Mr. Moffett of Berlin, for the Committee on Executive Department and Administration, to whom was referred House

Bill No. 137, An act relative to reports to supervisors of the checklists, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 286, An act relating to the Atlantic States Marine Fisheries Commission, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 394, An act relative to taking oysters from certain tidal waters, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Wild of Jackson, for the Committee on Judiciary, to whom was referred Senate Bill No. 56, An act relative to the validation of certain instruments of conveyance, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Wheeler of Bristol, for the Committee on Judiciary, to whom was referred House Bill No. 510, An act relative to exemptions from jury service for members of the general court, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An act relative to exemptions from jury service for members of the general court and delegates to a constitutional convention.

Amend section 1 of the bill by adding after the word "court" in line 3 the words, or delegate to a constitutional convention; and further amend said section by adding after the

word "court" in line 4 the words, or a constitutional convention, so that said section as amended shall read as follows:

1. *Jurors.* Amend chapter 375 of the Revised Laws by inserting after section 29 the following new section: 29-a. *Exemption.* If any member of the general court or delegate to a constitutional convention is selected as a juror during any time when the general court of a constitutional convention is in session he may file with the court a written statement to the effect that he does not wish to act as juror and he shall be discharged and another juror may be drawn in his stead from the same town or ward.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Mason of Berlin, for the Committee on Judiciary and Labor, to whom was referred House Bill No. 456, An act relating to workmen's compensation (granting to the labor commissioner the power to make awards and abolishing the jurisdiction of the superior court), reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to hearings and awards by the labor commissioner or superior court under the workmen's compensation law.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1. Amend chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting after section 34 the following new sections: 34-a. *Hearing and Awards by Commissioner.* If the compensation is not fixed by agreement, either party may apply to the labor commissioner for hearing and award in the premises, and said commissioner shall set a time and place for hearing and give at least fourteen days' notice thereof to the parties by giving notice in hand or by registered mail sent to his last known place of abode. At such hearing full consideration shall be given to all evidence which may be presented, and within thirty days thereafter, said commissioner shall make his award setting forth his find-



ings of fact and the law applicable thereto, and shall forthwith send to each of the parties a copy of such award.

34-b. *Petition for Right.* Any person aggrieved by a decision of the commissioner who was prevented from appealing therefrom within sixty days, through mistake, accident, or misfortune and not from his own neglect, may petition the superior court at any time within two years thereafter, to be allowed an appeal, setting forth his interest, his reason for appealing and the causes of his delay.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2. Amend section 35 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out the same and inserting in place thereof the following: 35. *Hearing and Awards by Superior Court.* If the compensation is not fixed by agreement, or if a hearing is had as provided in section 34-a, either party may petition the superior court for hearing and award in the premises, the venue to be according to civil actions *in personam* between the same parties, and the court shall set a time and place for hearing and order at least six days' notice thereof to the parties; if a petition to the superior court as herein provided is made subsequent to a hearing before the said commissioner such petition shall be filed within ninety days of the date of the said commissioner's decision. At such hearing a full trial shall be had before a justice of the superior court, without jury, and within thirty days thereafter the court shall made its award setting forth its findings of fact and the law applicable thereto, and the clerk of court shall forthwith send to each of the parties and to the commissioner of labor, copies of such award.

The report was accepted.

The bill, with the amendment pending, was laid upon the table to be printed, under Rule No. 46.

Mr. Green of Rollinsford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 368, An act relative to salary of deputy register of probate for Merrimack county, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Underwood of Hampton, for the Committee on Municipal and County Government, to whom was referred House Bill No. 503, An act legalizing the school district meeting held March 8, 1949 in Harrisville, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Green of Rollinsford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 504, An act relative to aliens, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

#### **Taken from Table**

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 481, An act relative to merit ratings under the unemployment compensation system, reported the same with the amendment as printed in the Journal of May 4, on pages 6 and 7, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

#### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolution:

Concurrent resolution memorializing congress concerning New Hampshire rural rehabilitation corporation.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 325, An act relating to operation of motor vehicles while under the influence of intoxicating liquors.

House Bill No. 67, An act relative to unemployment compensation.

House Bill No. 429, An act relative to unemployment compensation adjustments and refunds.

House Joint Resolution No. 19, Joint resolution in favor of the estate of Frank H. Peaslee.

House Joint Resolution No. 29, Joint resolution in favor of the estate of William K. Davis.

House Joint Resolution No. 30, Joint resolution in favor of the estate of E. J. Winslow.

House Joint Resolution No. 32, Joint resolution in favor of the estate of Louis H. Douphinett.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate Bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

Senate Bill No. 14, An act relative to liability insurance for tractors.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act defining the words "motor vehicle" under the motor vehicle liability insurance law.

On motion of Mr. Evans of Lancaster the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 464, An act relative to operators and commercial operators licenses.

Amend section 4 of said bill by striking out the first four lines and inserting in place thereof the following:

4. *Operators.* Amend section 10 of chapter 117 of the

Revised Laws by striking out said section and inserting in place thereof the following. 10. *Exception.*

Amend section 8 of said bill by inserting after the word "any" in the third line the word, other. Amend section 9 of said bill by striking out the word "chauffeur's" in the seventh line.

On motion of Mr. Myhaver of Peterborough the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills and Joint resolutions in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 210, An act to provide for a presidential preference primary.

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Presidential Preference Primary.* Amend the Revised Laws by inserting after chapter 38 the following new chapter:

Further amend said bill by renumbering section 9 to read section 2.

On motion of Mr. Moore of Bradford the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 367, An act to amend the charter of the city of Nashua relative to purchases by city departments.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to purchases by city departments of the city of Nashua.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Purchasing Committee for the City of Nashua.*

Amend section 51 of part 1 of chapter 427 of the Laws of 1913, being the charter of the city of Nashua, by striking out said section and inserting in place thereof the following:

On motion of Mrs. Cooper of Nashua the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 418, An act relative to protection of illegitimate children.

Amend section 1 of said bill by striking out the last sentence thereof and inserting in place thereof the following:

When, from information appearing upon a birth certificate, it is discernible that the record is that of an illegitimate child or a child born out of wedlock no copy of such record shall be transmitted to the city or town within which the parents reside nor shall a report of such a birth be published in any town or county report.

On motion of Mrs. Wheeler of Bristol the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Joint Resolution No. 6, Joint resolution directing the establishment of an Interim Commission to make a study of the laws of the United States and other states and to formulate and prepare a report for submission to the Governor and Council on or before January 1, 1951 for the protection of the democratic principles of government and ideals in this state and for the exposure and expurgation of subversive activities in the State of New Hampshire.

Amend the caption of the resolution by striking out the same and inserting in place thereof the following:

Joint resolution relative to the establishment of an interim commission to make a study and submit a report designed to protect the democratic principles of government in this state and to expose subversive activities in the state.

Amend the third paragraph of said resolution by striking out the word "it" in the third line.

Amend said resolution by striking out the twenty-second, twenty-third and twenty-fourth lines and inserting in place thereof the following: is vested in and exercised by the communist dictatorship of a foreign country; and

*Whereas*, there should be an interim commission.

Amend said resolution by striking out all after the twenty-ninth line and inserting in place thereof the following:

*Resolved by the Senate and House of Representatives in General Court convened:*

That the governor hereby is authorized and directed to appoint a commission to be known as the Interim Commission on Subversive Activities to be composed of nine members by follows: Three members of the senate, to be designated by the president of the senate, three members of the house of representatives, to be designated by the speaker of the house, and three residents and citizens of the state, to be designated by the governor. One of said members shall be designated by the governor to serve as chairman of said commission. Said commission hereby is authorized and directed to make a study of the laws of the United States and other states and to do everything necessary and proper to formulate and prepare a program designed to protect the democratic principles and ideals of this state and to expose and expurgate subversive and other illegal activities in the state. Said commission shall make a report of its findings to the governor and council on or before January 1, 1951. All departments and agencies of the state are directed to assist the commission in carrying out its duties hereunder, as may be requested by the commission. The sum of three thousand five hundred dollars is hereby appropriated to pay the necessary secretarial and related incidental expenses which may be incurred by the commission which sum shall include a per diem allowance to the members of the commission when engaged on official duties. The governor is authorized to draw his warrant for the sum herein appropriated out of any money in the treasury not otherwise appropriated. The words "subversive activities" as used in this resolution shall mean advocacy of or persuasion of others

to accept, the doctrine of overthrow by force of the government of the United States or of this state.

On motion of Mr. Laraba of Portsmouth the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed bills, with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 72, An act relating to winter maintenance of highways.

Senate Bill No. 77, An act relative to legal length of brook trout.

Senate Bill No. 86, An act establishing district departments of health.

Senate Bill No. 88, An act relating to the covering of wells.

Senate Bill No. 96, An act relative to allowances to widow from deceased husband's estate.

Senate Bill No. 102, An act licensing child placing and child caring agencies.

### **Senate Bills Read and Referred**

Senate Bill No. 72, An act relating to winter maintenance of highways.

Read a first and second time and referred to the Committee on Public Works.

Senate Bill No. 77, An act relative to legal length of brook trout.

Read a first and second time and referred to the Committee on Fisheries and Game.

Senate Bill No. 86, An act establishing district departments of health.

Read a first and second time and referred to the Committee on Public Health.

Senate Bill No. 88, An act relating to the covering of wells.

Read a first and second time and referred to the Committee on Executive Departments and Administration.

Senate Bill No. 96, An act relative to allowances to widow from deceased husband's estate.

Read a first and second time and referred to the Committee on Judiciary.

Senate Bill No. 102, An act licensing child placing and child caring agencies.

Read a first and second time and referred to the Committee on Public Welfare and State Institutions.

The message also announced that the Senate had passed the following joint resolution, in the passage of which it asked for concurrence of the House of Representatives:

Senate Joint Resolution No. 17, Joint resolution in favor of Luigi Cilli.

### **Senate Joint Resolution Read and Referred**

Senate Joint Resolution No. 17, Joint resolution in favor of Luigi Cilli.

Read a first and second time and referred to the Committee on Appropriations.

### **Concurrent Resolution**

Mr. Myhaver of Peterborough offered the following concurrent resolution:

### **CONCURRENT RESOLUTION**

on

### **FINAL ADJOURNMENT**

*Whereas*, it appears that all necessary legislative work may be accomplished by Friday, May 27th, therefore be it

*Resolved*, By the House of Representatives, the Senate concurring, that the present session of the Legislature be brought to final adjournment on Friday, May 27th, instant, at five o'clock in the afternoon, and be it further

*Resolved*, That on that date all reports, bills and joint resolutions, with the exception of such as have been referred to the next Legislature, be indefinitely postponed.

The question being on the concurrent resolution.

(Discussion ensued)

Mr. Myhaver of Peterborough spoke in favor of the concurrent resolution.

Mr. Myhaver of Peterborough moved that the concurrent resolution be laid upon the table.



On a *viva voce* vote the concurrent resolution was laid upon the table.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their title only, and that when the House adjourns today it adjourn to meet Tuesday morning at 11:00 o'clock.

### Third Readings

House Bill No. 286, An act relating to the Atlantic States Marine Fisheries Commission.

House Bill No. 481, An act relative to merit ratings under the unemployment compensation system.

House Bill No. 503, An act legalizing the school district meeting held March 8, 1949, in Harrisville.

House Bill No. 504, An act relative to aliens.

House Bill No. 510, An act relative to exemptions from jury service for members of the general court.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 56, An act relative to the validation of certain instruments of conveyance.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. McPhail of Manchester at 11:48 o'clock the House adjourned.

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TUESDAY, MAY 10, 1949

The House met according to adjournment.

### Joint Convention

Prayer was offered by the Chaplain.

O Lord God, our Leader and Defender; as Thou didst lead Thy people in the days of old because they trusted Thee, give us that implicit faith in Thee that has a right to summon Thy leadership. Amid the perplexing problems we face, keep our hearts right and our spirits courageous. Help us to put what

is morally right above what is momentarily expedient, to put the love of the truth above falsehood, and to put the best interest of our state and nation above partisanship. We ask it in the name of Him who came to show us the way of life, Jesus Christ our Lord. Amen.

Both branches being in joint convention, Lyall T. Beggs, National Commander-in-Chief, Veterans of Foreign Wars, of Madison, Wisconsin, addressed the joint convention.

On motion of Senator Hayes of District No. 1 the joint convention rose.

## **House**

### **Leaves of Absence**

Mr. Brown of Laconia was granted leave of absence for the week on account of important business.

Mr. Elliott of Milford was granted leave of absence for the week on account of illness.

Mr. Hardy of Boscawen was granted leave of absence for two weeks on account of illness.

### **Reconsideration**

Mr. Yerxa of Sutton served notice that on today or some subsequent day he would move to reconsider the vote whereby the House adopted the resolution of the committee, inexpedient to legislate on House Bill No. 368, An act relative to salary of deputy register of probate for Merrimack county.

### **Introduction of Bill**

The following bill was introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 514, An act relative to indemnity for condemned domestic animals. To the Committee on Appropriations.

### **Committee Reports**

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 215, An act relative to the admissibility in evidence of statements of deceased persons, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 299, An act relating to transporting persons by motor vehicle for gain or hire, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 506, An act relating to turning movements by motor vehicles on public highways, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 507, An act relative to motor vehicles travelling in line, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Miller of Fitzwilliam, for the Committee on Transportation, to whom was referred House Bill No. 508, An act defining the rights of pedestrians at cross walks, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Dwinnell of Lebanon, for the Committee on Ways and Means, to whom was referred House Joint Resolution No. 3, Joint resolution extending the authority of the committee to investigate tax exemption laws, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the caption of said resolution by striking out the same and inserting in place thereof the following:

Joint Resolution providing for a committee to investigate tax exemption laws,

Amend said joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That a joint committee to consist of three members of the House and two members of the Senate be appointed by the Speaker of the House and by the President of the Senate, respectively, to investigate the matter of tax exempt property of every kind in the state, with particular reference to the laws governing and permitting such exemptions, and to determine whether or not exemptions so granted were, and are now, in strict compliance with the statutes. Said committee shall have all the powers conferred upon the committee authorized by chapter 328 of the Laws of 1947, the membership of which prior committee is hereby dissolved. The members of the committee established under the provisions hereof shall serve without pay but may be reimbursed for actual and necessary expenses incurred by the committee in securing such information as may be required hereunder. Any balance of the appropriation made under the provisions of said chapter 328 shall not lapse but shall be available for the use of the committee hereby established. Said committee shall make a report of its findings and recommendations to the legislature of 1951.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred Senate Bill No. 83, An act relative to transfer tax on certain buildings in the town of Hampton, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 511, An act relative to itinerant retailers of tobacco products, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Angus of Claremont, for the Special Committee consisting of the special delegation from the city of Claremont, to whom was referred House Bill No. 488, An act to revise the charter of the city of Claremont, reported the same with the

following amendment, and the recommendation that the bill as amended ought to pass.

**House Bill No. 488, An Act to Revise the Charter of the  
City of Claremont.**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Incorporation.* The inhabitants of the city of Claremont shall continue to be a body politic and corporate under the name of the "City of Claremont" and as such to enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and liabilities now appertaining or incumbent upon them as a municipal corporation. All existing property of the city shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it, under this revised charter.

2. *Wards.* The city shall continue to be divided into three wards as at present constituted, and except as herein otherwise provided the general laws relative to wards of cities, officers thereof, and voters, check-lists, elections and jurors, therein shall be applicable to such wards.

3. *School District.* The school district of the city of Claremont as presently constituted shall be a body corporate and politic and shall have all the powers and shall be subject to the same obligations and duties as are conferred or imposed upon city school districts by the laws of the state of New Hampshire, in such case made and provided.

4. *Administration of City Affairs.* The administration of the fiscal, prudential, municipal and other affairs of the city, and the government thereof, shall be vested in a principal officer to be called the mayor, and a city council. The city council shall consist of the mayor as *ex-officio* chairman and nine councilmen, sitting and acting together as a single body. The mayor shall be chosen by the qualified voters of the city at large, voting in their respective wards, and of the nine councilmen, three shall be elected at-large and two shall be elected from each ward, to be chosen by the qualified voters thereof. A majority of five members shall constitute a quorum for the transaction of business and the city clerk shall act as clerk of the city council.

5. *Municipal Elections.* All city and ward officers who are to be elected by the legal voters of the city or any ward therein, except moderators, ward clerks and supervisors of the check-list, shall be chosen at the regular municipal elections, holden on the first Tuesday after the first Monday of November, biennially as now established in the odd numbered years.

6. *Filing of Candidacy.* Any person qualified to be elected to any office to be filled at the succeeding municipal election shall be entitled to have his name printed upon such official ballots as a candidate for such office upon his filing with the city clerk, not later than thirty days preceding the election, his declaration in writing that he is a candidate therefor, and paying to the city clerk, if a candidate for the office of mayor, the sum of five dollars, and councilmen or other officers to be chosen by the voters, two dollars.

7. *Official Ballots.* The official ballots prepared by the city clerk for use at the municipal elections shall conform as nearly as may be in form and manner of folding to the ballot prepared by the secretary of state for use at general biennial elections. Upon such official ballots the names of the candidates for each office shall be grouped in the alphabetical order of their surnames, without party name or designation of any kind. Over each group shall be a statement of the office for which they are candidates and a direction as to the number of candidates to be voted for. Under each group shall be left as many blank spaces as there are persons to be elected to such office at the municipal election. At the left of each printed name shall be a square. The voter shall indicate his choice by making a cross in the square at the left of the printed name of each candidate for whom he desires to vote, or by writing the name of any person or persons for whom he desires to vote in the appropriate blank space or spaces.

8. *Contested Elections.* Within seven days after a municipal election the council shall canvass the votes cast and the candidates receiving the highest number of votes for the offices to be filled shall be declared elected. Within seven days thereafter the council shall, subject to such rules and regulations as it may prescribe, upon the request of any candidate, recount the ballots cast in the election and hear and determine any contest on the ground of fraud or misconduct therein.

Decisions of the council in cases of contested elections shall be final. Tie votes for any elective office shall be resolved by lot in the manner that the council may determine. In cases arising under this section the council shall have the power to subpoena witnesses and compel the production of all pertinent books, records and papers.

9. *Terms of Office.* Terms of office shall begin from the first secular day of January next following election, and shall continue for the term of two years until their successors are chosen and qualified. The Mayor shall hold office for a term of two years.

10. *Vacancies.* Vacancies occurring in the office of councilman or Mayor at any time after the election of a candidate or candidates thereto shall be filled by the appointment of some qualified person who receives the votes of at least five members of the council by the second regular meeting following the occurrence of the vacancy to serve until the next regular election at which time his successor shall be elected for the unexpired term.

11. *Organization of City Council.* The mayor and councilman so chosen, shall meet at ten o'clock in the forenoon on the first secular day of January next following their election, in their capacity as the city council for the purpose of taking their respective oaths of office, organizing, adopting rules for the transaction of business required by laws or ordinance to be transacted at such meeting. The city council shall elect by a majority vote one of its members as acting mayor who shall serve in the absence of the mayor.

12. *Compensation.* The mayor shall receive a salary of \$5000 per annum, payable monthly. Councilmen shall receive ten dollars for each regular council meeting which they attend but in the aggregate not to exceed the sum of two hundred dollars each in full for their services.

13. *Meetings.* The mayor shall preside over all meetings of the council and the city clerk shall act as clerk of the council. All meetings of the council shall be public. Regular meetings shall be held at 7 o'clock in the evening on the second Monday of each month and special meetings upon notice delivered to the mayor and to each councilman by the city clerk at the written request of the mayor or at least six councilmen.

The council shall establish its own rules, and a majority shall constitute a quorum for the transaction of the business of the council. The mayor shall have the right to introduce and initiate other measures in the council, and to speak therein upon pending measures without resigning the chair; but he shall not be counted to make a quorum of such council, nor vote therein except in case of equal division. He shall have no negative on any ordinance, resolution or vote of the council. The mayor-elect and the newly-elected members of the council shall assume office at the regular January meeting in each even numbered year.

14. *Removal of Mayor, Councilmen.* The council may, on specific charges and after due notice and hearing, at any time remove from office the mayor or one of its own members for prolonged absence from or other inattention to duty, mental or physical incapacity, incompetency, crime, immorality, or misconduct in office upon affirmative vote on roll call of at least six councilmen. A vacancy occasioned by removal under this section shall be filled in the manner provided in Section 10 of this charter.

15. *Ordinances.* Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause of each ordinance shall be "The City of Claremont Ordains," and the effective date of each ordinance shall be specified in it. All ordinances shall be recorded at length uniformly and permanently by the city clerk, and each ordinance so recorded shall be authenticated by the signature of the mayor and the city clerk. Ordinances shall be published, compiled and revised in such manner and at such time as the council shall determine. A public hearing shall be held before any ordinance takes effect.

16. *General Powers.* Except as herein otherwise provided, the council hereby established shall have all the powers and discharge all the duties conferred or imposed upon city councils in convention, city councils voting concurrently, or boards of mayor and aldermen acting separately, by Chapters 62 to 66 inclusive, of the Revised Laws or other general law now in force or hereinafter enacted, or upon the existing city council of the City of Claremont by special laws not hereby repealed. The council shall have the powers of selectmen of town



so far as consistent with this charter. All provisions of such laws pertaining to the powers or duties of any or all such bodies shall be construed to apply to the council hereby established unless a contrary intent of provision herein appears, it being the purpose of this act to confer upon said council all functions of the existing council whether legislative, executive or judicial.

### **Administrative Service**

17. *General Powers and Duties of the Mayor.* The mayor shall be the chief administrative officer and the head of the administrative branch of the city government. He shall supervise the administrative affairs of the city and shall carry out the policies enacted by the council. He shall enforce the ordinances of the city, this charter, and all general laws applicable to the city. He shall keep the council informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the council, not inconsistent with this charter. He shall have and perform such other powers and duties not inconsistent with the provisions of this charter as now are or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law.

18. *Appointive Power of Mayor.* The mayor shall have the power to appoint and remove all officers and employees in the administrative services of the city, subject to the provisions of this charter, and he may authorize and empower the head of a department or officer responsible to him to appoint and remove subordinates in such department or office. All such appointments shall be without definite term unless made for a provisional, temporary or emergency service not to exceed the maximum limits which may be prescribed by the merit plan.

19. *Non-interference by the Council.* It is the intention of this charter that the council shall act in all matters as a body, and it is contrary to the spirit of this charter for any of its members to seek individually to influence the official acts of the mayor, or any other officer, or to direct or request the appointment of any person to, or his removal from office; or to

interfere in any way with the performance by such officers of their duties. The council and its members shall deal with the administrative service solely through the mayor and shall not give orders to any subordinates of the mayor either publicly or privately. Nothing herein contained shall prevent the council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to such committee such powers of inquiry as the council may deem necessary. Any councilman violating the provisions of this section shall upon conviction thereof in a court of competent jurisdiction forfeit his office.

20. *Appointive Offices.* The mayor shall appoint a city clerk, a treasurer, an assessor, a fire chief, a health officer, a city solicitor, overseer of the poor, comptroller, tax collector, and such other officers as may be necessary to administer all departments which the council shall establish. Subject to the confirmation by a majority vote of the city council.

The assessor shall prior to his appointment, have demonstrated knowledge of property appraisal or assessment and of the laws governing the assessment and collection of property taxes. It shall be his duty to assess all taxable property in the city in accordance with general law and such administrative regulations as may be promulgated pursuant thereto, maintain a standard system of assessment records, and perform such other duties as the council may prescribe by ordinance.

The powers and duties of other officers and heads of departments appointed by the mayor shall be those prescribed by state law, by this charter or by ordinance.

21. *Departments; Administrative Code.* The city shall have a department of administration headed by the mayor, and such other departments, divisions and bureaus as the council may establish by ordinance. It shall be the duty of the first mayor elected under the provisions of this charter to draft and submit to the council within six months after assuming office, ordinance providing for the division of the administrative service of the city into departments, divisions and bureaus, and defining the functions and duties of each. Sub-

sequent to the adoption of such ordinance, upon recommendation of the mayor, the council by ordinance may create, consolidate or abolish departments, divisions and bureaus of the city and define or alter their functions and duties. The compilation of such ordinances shall be known as the "Administrative Code." Each officer shall have supervision and control of his department and of the employees therein and shall have power to prescribe rules and regulations, not inconsistent with general law, this charter, the administrative code, and the provisions of the merit plan. Prior to adoption of the administrative code the mayor shall have the power to establish temporary rules and regulations to insure economy and efficiency in the several divisions of the city government.

22. *Purchasing Procedure.* The administrative code shall establish a centralized purchasing and contract system, including the combination of purchasing of similar articles for different departments, and purchasing by competitive bids whenever practical. The mayor shall be charged with the administration of the system so established.

### Finance

23. *Fiscal Year.* The fiscal and budget year of the city shall begin on the first day of January unless another date shall be fixed by ordinance.

24. *Fiscal Control.* The administrative code shall provide for the exercise of a control function, in the management of the finances of the city, by the city clerk. The control function shall include provisions for an incumbrance system of budget operation, for expenditure only upon written requisition, for the pre-audit of all claims and demands against the city prior to payment, and for the control of all payments out of any public funds by individual warrants for each payment to the official having custody thereof.

25. *Budget Procedure.* The municipal budget shall be prepared by the mayor, at such time as may be specified by the administrative code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the department or activities under his control. The mayor shall submit the proposed budget to the council at least one month before the start of the fiscal year of the budget.

26. *Budget Hearing.* A public hearing on the budget shall be held before its fiscal adoption by the council, at such time and place as the council shall direct, and notice of such public hearing together with a copy of the budget as submitted shall be published at least two weeks in advance of the hearing by the city clerk.

27. *Adoption of Budget.* The council may reduce any item or items in the mayor's budget by a vote of a majority of the council, but an increase in or addition of any item or items therein shall become effective only upon an affirmative vote of two-thirds of the members of the council. The budget shall be finally adopted not later than the first day of the third month of the fiscal year.

28. *Transfer of Appropriations.* After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation unless there shall be a specified appropriation therefor specifying the source from which the funds shall come. Except as otherwise provided in this charter the council may transfer any unencumbered appropriation balance or any portion thereof from one department, fund, or agency, to another.

29. *Depository.* The council shall designate the depository or depositories for city funds, and shall provide for the daily deposit of all city moneys. The council may provide for such security for city deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

30. *Independent Audit.* An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by qualified public accountants experienced in municipal accounting and appointed by the council. An abstract of the results of such audit shall be made public. An annual report of the city's business shall be made available in such form as will disclose pertinent facts concerning the activities and finances of the city government.

31. *Official Bonds.* Any city officer elected or appointed by authority of this charter may be required by the council to give a bond to be approved by the city solicitor for the faith-

ful performance of the duties of his office, but all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

### **Personnel Administration**

32. *Merit Plan.* Appointments and promotions to all positions in the service of the city shall be made solely on the basis of merit and only after examination of the applicants' fitness. The first mayor shall draft and submit to the council within six months after assuming office an ordinance providing for the establishment of a merit system of personnel administration. Such ordinance shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations, retirement and any other matters necessary to the maintenance of efficient service and the improvement of working conditions of such ordinance. With reasonable dispatch thereafter the council shall enact, amend or revise the ordinance so submitted, but in any event the council shall enact a merit plan which embodies the provisions herein required. It shall be the duty of the mayor to administer the merit plan so enacted. He may submit revisions of the merit plan to the council from time to time as changes in conditions and circumstances in the city service justify.

33. *Personnel Advisory Board.* There is hereby established a Personnel Advisory Board of three citizens holding no other public office and appointed by the mayor, subject to the approval of a majority of the council. The term of each member shall be for three years and until his successor is appointed and qualified. However, in the case of first appointments, one member shall be appointed for one year, one for two years, and one for three years. Vacancies shall be filled for the remainder of any term in the same manner as the original appointment. It shall be the duty of the Personnel Advisory Board to study the broad problems of personnel policy and administration, to advise the council concerning the personnel policies of the city and the mayor regarding the administration of the merit plan, and to hear appeals from an employe aggrieved as to the status or condition of his employment. The council shall issue written reports containing findings of fact and recommendations to the

mayor upon such appeals. But the council shall have no power to reinstate an employee unless it finds, after investigation, that disciplinary action was taken against the employe for religious, racial or political reasons.

34. *Retirements.* The merit plan may contain provisions for a system for the retirement of any city employe who shall have attained an age or condition of health which warrants retirement from further service. Any such plan shall provide payments to retired employes only as additional compensation for services rendered after the inauguration of such plan and before retirement.

### Special Assessments

35. *Council Resolution.* The council shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

36. *Procedure Fixed by Ordinance.* The council shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs, notice and hearing, the making of assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

### Miscellaneous Provisions

37. *Oath of Office.* Every person elected or appointed to any city office before entering upon the duties of his office shall take and subscribe to an oath of office as provided by law which shall be filed and kept in the office of the city clerk.

38. *Notice of Election of Appointment.* Whitten notice of election or appointment by any city officer shall be mailed to him at his address by the city clerk within 48 hours after

the appointment is made or the vote canvassed. If within ten days from the date of the notice, such officer shall not take, subscribe to and file with the city clerk a oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

39. *Vacancy Defined.* In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, moves from the city, is convicted of a felony or judicially declared to be mentally incompetent.

40. *Official Interest in Contracts.* No officer or employe of the city shall take part in a transaction or decision in which he has a financial interest aside from his salary as such officer or employe, direct or indirect, greater than any other citizen or taxpayer.

41. *Private Use of Public Property.* No officer or employe shall devote any city property or labor to private use except as may be provided by law or ordinance.

42. *Use of Streets by Public Utilities.* Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and public places as shall protect and save the city harmless from all damages arising from said use.

43. *Liability for Discharge.* The removal in accordance with this charter with or without cause of a person elected or appointed or otherwise chosen for a fixed term shall give no right of action for breach of contract.

44. *Notice of Claim.* No action at law or bill in equity shall be sustained against the city unless a notice setting forth the nature and amount, if any, of the claim shall have been delivered or sent by registered mail to the office of the city clerk not less than 60 days prior to commencement of said action at law or bill in equity.

45. *Referendum.* This charter shall not take effect unless it is adopted by a majority vote at a special election to be held in the city of Claremont on the second Tuesday in September, 1949, or at a subsequent referendum as is hereinafter provided for. The city clerk then in office shall cause to be included on the ballot then used the following question: "Shall

the city manager form of government be abolished and the provisions of an act entitled, "An act to revise the charter of the city of Claremont under the mayor and council form of government be adopted?" Beneath this question shall be printed and word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. The referendum relative to the adoption of this charter shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of candidates for councilmen under the present charter. If a majority of those voting at this election vote in the affirmative on this question, this act shall be declared to have been adopted. If this act should not be adopted at said special election, the question of the adoption of this act shall again be voted on at any regular municipal election during the ten years immediately following the passage of this act if at least ten per cent of the number voting at the last previous municipal election, all qualified voters of the city, shall sign a petition requesting such vote, said petition to be submitted to the city clerk at least 30 days prior to said election.

46. *Separability.* The sections of this charter and the parts thereof are separable. If any portion of this charter or the application thereof to any circumstances shall be held invalid the remainder thereof and the application of such portion to other circumstances shall not be effected thereby.

Sections 1 and 2 of subdivision I; sections 5, 7, 9, 10, 14 and 15 of subdivision II; sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49 of subdivision III; sections 50, 51, 52, 53, 54, 55 and 56 of subdivision IV; sections 57 and 58 of subdivision V; and sections 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74 and 75 of subdivision VI, of chapter 392 of the Laws of 1947 are hereby repealed and all other provisions of law inconsistent herewith are hereby repealed to the extent of such inconsistency.

47. *Municipal Court.* The municipal court of the city as at present constituted is hereby continued.

48. *Police Commission.* All special legislation relative to the police commission is hereby continued in force.



49. *Water Works, Sewers, Center.* All special legislation in force relating to the water works, sewers, the E. Charles Goodwin Center is hereby continued in force.

50. *Takes Effect.* Section 13 of this act shall take effect upon its passage, and if adopted at the special election or a referendum provided for in said section, the remainder of this act shall take effect as follows: So much as relates to the preliminaries for and the holding and conduct of the first municipal election shall take effect immediately upon such adoption. For all other purposes this charter shall take effect on the first secular day of January following the first election under this charter.

The report was accepted.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Angus of Claremont offered the following amendment:

Amend section 50 by striking out the figure "13" and inserting in place thereof the figure, 45, so that said section as amended shall read as follows:

50. *Takes Effect.* Section 45 of this act shall take effect upon its passage, and if adopted at the special election or a referendum provided for in said section, the remainder of this act shall take effect as follows: So much as relates to the preliminaries for and the holding and conduct of the first municipal election shall take effect immediately upon such adoption. For all other purposes this charter shall take effect on the first secular day of January following the first election under this charter.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

### Taken from Table

Mrs. Mason of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 456, An act relating to workmen's compensation (granting to the labor commissioner the power to make awards and abolishing the jurisdiction of the superior court), reported the same with the amendment

as printed in the Journal of May 5, pages 5 and 6, and the recommendation that the bill as amended ought to pass.

The report was accepted.

The question being on the amendment.

Mr. Turner of Keene offered the following amendment to the amendment:

Amend the amendment to section 2 of said bill by striking out the word "ninety" where it occurs and inserting in place thereof the word, sixty, so that said section as amended shall read as follows:

2. Amend section 25 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out the same and inserting in place thereof the follows: 35. *Hearing and Awards by Superior Court.* If the compensation is not fixed by agreement, or if a hearing is had as provided in section 34-a, either party may petition the superior court for hearing and award in the premises, the venue to be according to civil actions *in personam* between the same parties, and the court shall set a time and place for hearing and order at least six days' notice thereof to the parties; if a petition to the superior court as herein provided is made subsequent to a hearing before the said commissioner such petition shall be filed within sixty days of the date of the said commissioner's decision. At such hearing a full trial shall be had before a justice of the superior court, without jury, and within thirty days thereafter the court shall make its award setting forth its findings of fact and the law applicable thereto, and the clerk of court shall forthwith send to each of the parties and to the commissioner of labor, copies of such award.

The question being on the amendment to the amendment.

(Discussion ensued)

Mr. Turner of Keene spoke in favor of the amendment.

On a *viva voce* vote the amendment to the amendment was adopted.

The question being on the amendment as amended.

On a *viva voce* vote the amendment as amended was adopted and the bill ordered to a third reading.

### Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 36, having considered the same, recommend that the House recede from its position of non-concurrence in the Senate amendments and that the Senate recede from its position in the adoption of the amendments and that the House and Senate adopt the following amendments:

Amend Revised Laws, Chapter 280, as amended by this act, by striking out the first paragraph of section 1 of chapter 280, as amended, and substitute in place thereof the following:

1. *Fee; Appointment of Agent.* Every foreign corporation (except foreign insurance companies, to whom this chapter shall not apply, and except holders of certificates of approval issued under the provisions of Sections 78 and 79 of Chapter 170 of Revised Laws, and corporations otherwise specifically required to register with and consent to service of process upon a state official) desiring to do business in this state, shall pay a registration fee of twenty-five dollars and shall pay an annual maintenance fee of twenty-five dollars payable to the Secretary of State on the first business day of January following the date of registration and on the first business day of each January thereafter, and continuously maintain in this state

Further amend by adding thereto new sub-section (c) as follows:

(c) The Secretary of State shall in December each year, notify all corporations registered hereunder of the fees to become due hereunder on the first business day of the January following; and shall in April notify all corporations who may have failed to pay the fees required hereunder; so that said section as amended shall read as follows:

1. *Fee: Appointment of Agent.* Every foreign corporation (except foreign insurance companies, to whom this chapter shall not apply, and except holders of certificates of approval issued under the provisions of Sections 78 and 79 of Chapter 170 of Revised Laws and corporations otherwise specifically required to register with and consent to service of process upon a state official) desiring to do business in this state, shall pay a registration fee of twenty-five dollars and

shall pay an annual maintenance fee of twenty-five dollars payable to the Secretary of State on the first business day of January following the date of registration and on the first business day of each January thereafter, and continuously maintain in this state

(a) A registered office which may or may not be the same as its place of business in this state; and

(b) A registered agent, which agent may be the Secretary of State and his successor or successors in office or an individual resident in or a corporation authorized to do business and act as such agent in this state, whose office is identical with such registered office.

(c) The Secretary of State shall in December each year, notify all corporations registered hereunder of the fees to become due hereunder on the first business day of the January following; and shall in April notify all corporations who may have failed to pay the fees required hereunder;

Further amend sub-section (c) of section 2 by inserting in line 5 thereof, after the word "effect" the following: On compliance with the provisions of this section, the Secretary of State shall forthwith issue a certificate of authority to do business in this state; so that said sub-section as amended shall read as follows:

(c) A true copy of the vote authorizing the application and registration of an office and agent in this state, certified under the seal of the corporation by its clerk or secretary or assistant clerk or assistant secretary, which certificate shall show that said vote has not been revoked and is in full force and effect. On compliance with the provisions of this section, the Secretary of State shall forthwith issue a certificate of authority to do business in this state. Copies of applications and all certified copies of votes so filed, certified by the Secretary of State, shall be sufficient evidence thereof.

Further amend sub-section (d) of section 6 by striking out the words "in this" in line 3 thereof and substituting therefor the words, "within or without the"; so that said sub-section as amended shall read as follows:

(d) That it revokes the authority to make service of process on its then registered agent and consents that service of process in any suit, action or proceeding based upon any

cause or action arising within or without the state prior to the effective date of the withdrawal may thereafter be made on such corporation by service thereof on the Secretary of State; and shall be accompanied by

ARTHUR J. REINHART,  
EUGENE S. DANIELL, JR.,

*Conferees on the Part of the Senate.*

GARDNER C. TURNER,  
BURRITT H. HINMAN,  
C. MURRAY SAWYER,

*Conferees on the Part of the House.*

The report was laid upon the table for printing of the amendment.

### **Engrossed Bills Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

House Joint Resolution No. 6, Joint resolution relative to the establishment of an interim commission to make a study and submit a report designed to protect the democratic principles of government in this state and to expose subversive activities in the state.

House Joint Resolution No. 19, Joint resolution in favor of the estate of Frank H. Peaslee.

House Joint Resolution No. 29, Joint resolution in favor of the estate of William K. Davis.

House Joint Resolution No. 30, Joint resolution in favor of the estate of E. James Winslow.

House Joint Resolution No. 32, Joint resolution in favor to the estate of Louis H. Douphinett.

Senate Bill No. 14, An act defining the words "motor vehicle" under the motor vehicle liability insurance law.

Senate Bill No. 56, An act relative to the validation of certain instruments of conveyance.

Senate Bill No. 64, An act defining "wholesaler" and "sub-jobber" under the Tobacco Tax Act so-called.

Senate Bill No. 69, An act extending the powers of the North Walpole village precinct.

Senate Bill No. 76, An act relative to the village district of Walpole.

Senate Bill No. 79, An act relating to interest on delinquent taxes.

House Bill No. 16, An act relating to yearly pensions for employees of the highway department and for certain appointed officials of the city of Manchester.

House Bill No. 67, An act relative to unemployment compensation.

House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made.

House Bill No. 210, An act to provide for a Presidential Preference Primary.

House Bill No. 297, An act relating to contracts by married women.

House Bill No. 367, An act relative to purchases by city departments of the city of Nashua.

House Bill No. 418, An act relative to protection of illegitimate children.

House Bill No. 464, An act relative to operators' and commercial operators' licenses.

The report was accepted.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 98, An act providing for the classification of certain surface waters, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend paragraph XXXII of section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

XXXII. Ammonoosuc River and its tributaries, in the towns and places of Bethlehem, Carroll, Low and Burbank's Grant, Thompson and Meserve's Purchase, Chandler's Purchase, Bean's Grant, Sargent's Purchase, Crawford's Purchase, Nash and Sawyer's Location and New Hampshire State Forest Reserve, except those portions given in paragraphs

On motion of Mr. Besse of Concord the House concurred by the adoption of the amendments proposed by the Committee on Engrossed Bills:

The bill was then sent to the Secretary of State to be engrossed.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives.

House Bill No. 16, (in new draft and new title): An act relating to yearly pensions for employees of the highway department and for certain appointed officials of the city of Manchester.

House Bill No. 135, An act pertaining to jail sentences.

House Bill No. 297, An act relating to contracts by married women.

House Bill No. 326, An act relating to compensation of election officials of the city of Manchester.

The message further announced that the Senate had voted to non-concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives.

House Bill No. 303, An act relative to divorce decrees.

House Bill No. 420, An act relating to the redistricting of senatorial districts.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 92, An act to increase the borrowing power of the town of Pembroke.

Senate Bill No. 93, An act relating to the municipal budget law and the duties of officials thereunder.

Senate Bill No. 98, An act relating to the loan and trust savings banks.

Senate Bill No 101, An act pertaining to conduct of operator of motor vehicle after accident.

Senate Bill No. 103, An act relative to adjustments to taxpayers in the town school district of Bath.

### Senate Bills Read and Referred

Senate Bill No. 92, An act to increase the borrowing power of the town of Pembroke.

Senate Bill No. 93, An act relating to the municipal budget law and the duties of officials thereunder.

Severally read a first and second time and referred to the Committee on Municipal and County Government.

Senate Bill No. 98, An act relating to the loan and trust savings banks.

Read a first and second time and referred to the Committee on Banks.

Senate Bill No. 101, An act pertaining to conduct of operator of motor vehicle after accident.

Read a first and second time and referred to the Committee on Transportation.

Senate Bill No. 103, An act relative to adjustments to taxpayers in the town school district of Bath.

Read a first and second time and referred to the Committee on Education.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their title and joint resolution by its caption only.

### Third Readings

House Bill No. 456, An act relating to workmen's compensation. (Granting to the Labor Commissioner the power to make awards and abolishing the jurisdiction of the superior court.)

House Bill No. 488, An act to revise the charter of the city of Claremont.

House Bill No. 506, An act relating to turning movements by motor vehicles on public highways.

House Bill No. 507, An act relative to motor vehicles traveling in line.

House Bill No. 508, An act defining the rights of pedestrians at cross walks.

House Bill No. 511, An act relative to itinerant retailers of tobacco products.

House Joint Resolution No. 3, Joint resolution extending the authority of the committee to investigate tax exemption laws.

Severally read a third time and passed and sent to the Senate for concurrence.



Senate Bill No. 83, An act relative to transfer tax on certain buildings in the town of Hampton.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Barry of Wilton at 12:15 o'clock the House adjourned.

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WEDNESDAY, MAY 11, 1949

The House met according to adjournment.

Prayer was offered by Rev. Edwin A. Gilson, Pastor of the Congregational Church of Hollis.

Most loving Father of us all, from Whose gracious hand we hold the precious gift of freedom, may Thy blessing rest upon the people of our nation and of this state. Do Thou grant unto us a full awareness of our high calling as a free people. Forgive us if ever we hold our birthright meanly or barter it for unworthy ends. Deepen within us our sympathy with those of every land who seek deliverance from the rod of the oppressor.

Bless now, we pray Thee, these Thy servants for the common good. O Thou who hast charged them with a solemn responsibility, give unto them the resources of heart and mind and body to fulfill their several offices. May Thy Spirit be upon them to seek and to find the ways and the means for the life of Thy Kingdom among us. Prosper Thou their deliberations for the preservation and furtherance of human dignity and human freedom. And to Thee shall be the glory forever and ever. Amen.

### Leaves of Absence

Mr. Sommers of Holderness was granted leave of absence for the day on account of important business.

Mr. Bigelow of Pelham was granted leave of absence for Thursday on account of attending a funeral.

Mr. Philbrick of Rye was granted leave of absence for the remainder of the week on account of illness.

Mr. Pillsbury of Manchester moved that the Special Committee consisting of the Manchester Delegation be ordered to report House Bills Nos. 434 and 436, and that the bills be laid upon the table and be made a special order for Thursday, May 12, at 11:01 and 11:02 o'clock, respectively.

The question being on the motion.

(Discussion ensued)

Messrs. Pillsbury, Sawyer, Kennedy, Kazakis and Geisel, and Mrs. Corliss of Manchester spoke in favor of the motion.

Mr. Sullivan of Manchester, Ward 7, spoke against the motion.

On a *viva voce* vote the motion prevailed.

### Introduction of Bills

The following bills and joint resolution were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 515, An act providing for a Deputy Registrar for the city of Manchester. To the Special Committee composed of the members of the Manchester Delegation.

By the Committee on Rules, House Bill No. 516, An act to supplement the appropriation for the Legislative Department. To the Committee on Appropriations.

House Joint Resolution No. 33, Joint resolution in favor of the estate of Ross L. Piper. To the Committee on Appropriations.

On motion of Mr. Tilton of Laconia, the rules were suspended, and printing and reference of House Joint Resolution No. 33, was dispensed with.

On motion of the same member the rules were further suspended, and the joint resolution was put upon its third reading, by caption, and final passage at the present time.

The joint resolution was read a third time and passed, and sent to the Senate for concurrence.

### Committee Reports

Mr. Connor of Henniker, for the Committee on Agriculture, to whom was referred House Bill No. 479, An act relative

to protection against Bang's disease, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Relating to Adult Vaccination.* Amend section 46b of the Revised Laws as inserted by chapter 201 of the Laws of 1947, by striking out said section, and inserting in place thereof the following: 46b. - *Alternate Plan.* The Commissioner of Agriculture shall grant permission to adult vaccinate a seriously infected or troublesome herd under this Alternate Plan after approval has been obtained from a county approval board. Request to adult vaccinate shall be made in writing to the Commissioner of Agriculture. The county approval board shall consist of three members, two to be appointed by the Commissioner of Agriculture and these two to appoint a third member; all to serve without pay or expenses and until such a time as their successor or successors shall be appointed. Whenever a person shall receive permission to adult vaccinate under this section it shall be granted under rules and regulations approved by the Federal Bureau of Animal Industry and by the State Department of Agriculture. All calves raised in such herds shall be vaccinated according to such rules and regulations as are specified for calfhood vaccination. All bovine animals in the herd must be tested for brucellosis and reactors tagged, branded, appraised and slaughtered as provided for under chapter 229 Revised Laws before any animals will be vaccinated. All passed animals must be permanently identified by ear tag number and tattoo mark. No animal can be sold out of an adult vaccinated herd for any purpose except by written permission from the New Hampshire Department of Agriculture, Division of Animal Industry. No indemnity will be paid on any animal vaccinated at an age older than eight months. Any owner maintaining a herd under the terms of this act agrees to forfeit any and all indemnity on animals condemned and slaughtered after adult vaccination has once been started in a herd, and until such a time as the herd passes at least one clean test for brucellosis and adult vaccination has been discontinued. The Commissioner of Agriculture shall have the right to order the discontinuance of adult vaccination in any herd, when in his opinion it is evident that said

adult vaccinated animals become a menace to other healthy herds. Such herds shall be under strict quarantine at all times and shall be subject to test at such times as the commissioner may direct. Upon passage of this act herds now operating under 46b, chapter 201 of the Laws of 1947 may continue under the conditions they originally accepted, but no new herds shall be allowed to start on that plan.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill, with the amendment pending, was laid upon the table to be printed.

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred Senate Bill No. 97, An act relative to deposit of city funds in banks, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 486, An act relating to cooperative school districts, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 3 of chapter 199, as inserted by section 1 of said bill by striking out said section and inserting in place thereof the following:

3. *Formation and Changes of Co-operative School Districts.* The commissioner is hereby authorized and empowered to lay out in this state cooperative school districts to provide for the educational needs and services of all elementary school children and secondary school youth, and to fix, determine, and define the boundaries of said districts as hereinafter provided. No cooperative school district laid out by the order of the commissioner shall operate as such until it has been voted and organized by the qualified voters of the local districts in accordance with the provisions of this chapter. The commissioner is authorized and empowered to make and enter in his office orders laying out territory in new cooperative school districts or annexing to existing cooperative school

districts territory not contained within a city having a population of more than ten thousand inhabitants. The commissioner in laying out such cooperative school districts and in fixing and defining the boundaries thereof shall include only territory of suitable size conveniently located for the attendance of pupils and having a sufficient number of pupils for the establishment of a cooperative school district. The commissioner shall designate all cooperative school districts by name, number and such other description as he shall deem proper, and shall prescribe all the necessary steps and persons, not otherwise provided for in the law, needed for the organization of a cooperative school district, prior to the election of the cooperative school district board. Within ten days after the making and entry of the orders pursuant to this section, the commissioner shall transmit a certified copy thereof to the clerk, and to the school board of each school district, the territory of which is affected by said orders. Each school board shall within ten days after receipt of such orders, cause them to be published in a local newspaper or in one commonly circulated in the district.

Amend paragraph I of section 4 of chapter 199, as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following:

I. The commissioner is empowered to lay out a cooperative school district when in his judgment there is sufficient interest and support by a qualified number of voters in a proposed cooperative school district. The commissioner may require such pertinent evidence of each district's interest in and ability to support the formation of a cooperative school district as he may specify including an application. Any district interested in becoming a part of a cooperative school district shall, at a duly called annual or special meeting by a majority vote of those present and voting, vote to petition the commissioner to become a member of a cooperative school district. The district clerk shall within ten days after the meeting forward to the commissioner a certified record of the vote taken at this duly called school district meeting. Provided however that no portion of a school district shall be separated from said district for annexation to a cooperative school district unless the separation of that portion is approved by two-thirds

of the voters present and voting at a duly called annual or special meeting of the district.

Amend the paragraph numbered III of section 4 of said chapter 199 by inserting after the word "present" in the ninth line the words, and voting, so that said paragraph as amended shall read as follows:

Any meeting held for the purpose of organizing a co-operative school district shall be called to order by a qualified voter of the proposed cooperative school district, designated by the commissioner of education for the purpose. The first order of business shall be the election of a moderator and a clerk pro-tem by ballot, by a plurality vote, who shall be qualified voters of the district. The meeting may be adjourned from time to time by a majority vote of the qualified voters present but no such adjournment shall be for a longer period than ten days. The affirmative vote of a majority of the qualified voters present and voting shall be required on the adoption of the following resolution: "Resolved that cooperative school district number . . . (add designation) as described in the order of the commissioner of education now before this meeting, be organized and a cooperative school district be established to provide for the educational needs and services of all elementary children and secondary school youth."

Amend subsection e of III of section 4 of said chapter 199 by striking out the same and inserting in place thereof the following:

e. *School Board; Election.* The first co-operative school board shall be elected at the meeting at which the resolution is adopted establishing such cooperative school district. At said meeting the voters shall determine whether the number of members of the cooperative school board shall be five, seven, or nine and said members shall be elected by ballot from nominations made from the floor, provided that members of said cooperative school board shall be elected so as to insure each school district forming a part of the cooperative school district, a majority of whose territory is included in the co-operative school district, a member of the cooperative school board. Other members shall be elected at large. At subsequent annual meetings of the cooperative district the members shall be elected in accordance with the non-partisan ballot system provided in sections 112 to 120 of chapter 34 of the Revised

Laws, as inserted by chapter 22, Laws of 1943, in so far as the same may be applicable, and in accordance with the further provisions of this chapter. (1) When the cooperative school board consists of five members, the members thus elected shall take office at once and shall continue to hold office for one, two, three, four and five years, respectively, and thereafter one member of such board shall be elected each year for a term of five years. (2) When said board consists of seven members, three members shall be elected for one year, two for two years and two for three years and thereafter their successors shall be elected each year for a term of three years, each. (3) When said board consists of nine members, three members shall be elected for one year, three for two years and three for three years and thereafter their successors shall be elected each year for a term of three years, each. (4) The said board so elected shall organize at once and proceed to assume its responsibilities and duties with respect to the administration and planning of the new cooperative school district which thereupon comes into official existence, provided, however, that the cooperative school board shall have no administrative authority as to the schools in the pre-existing districts until July first next following.

Amend section 7 of said chapter 199 by striking out the same and inserting in place thereof the following:

7. *Certification to Selectmen.* The co-operative school board shall within two weeks after the annual meeting certify in writing to the selectmen of each town wholly or partly included within the boundaries of the cooperative district the amount of money to be raised for educational purposes from the portion of the town lying within the boundaries of the cooperative district. This amount of money shall be in the same ratio to the total amount to be raised from local taxation for the cooperative district as the total equalized valuation within the portion of the town included within the cooperative district is to the total equalized valuation within the entire cooperative district. The selectmen of each town in their next annual assessment shall assess upon the taxable property within the portion of the town included in the cooperative school district a sum sufficient to meet the obligation herein provided and shall pay the same over to the treasurer of the

cooperative school district as the cooperative school board shall require.

Amend section 8 of said chapter 199 by striking out the same and inserting in place thereof the following:

8. *Taking Over of Property.* Whenever the pre-existing districts unite to form a cooperative district, the school property of the various pre-existing districts used by the cooperative school district shall be appraised by the state tax commission assisted by the selectmen of each town and at the next annual assessment a tax shall be levied upon the property of the cooperative school district equal to the amount of the whole appraisal; and there shall be remitted to the taxpayers of each pre-existing district the appraised value of its property. If in the opinion of the commissioner this adjustment of property of the cooperative school district is greater than should be remitted in any one year, thereby causing a hardship on the districts, the commissioner is hereby granted authority to distribute this settlement over a period not to exceed twenty years. Each such pre-existing district shall be deemed to continue to exist in law until July first next following the organization of its cooperative school district for the purpose of conducting and maintaining schools in its district and thereafter only for the purpose of paying all its just debts, including obligations lawfully issued prior to the organization of such cooperative school district, together with all interest thereon as the same shall fall due.

Amend paragraph I of section 12 of said chapter 199 by striking out the same and inserting in place thereof the following:

I. Each cooperative school district established under the provisions of this chapter shall be a body corporate and politic and may acquire, hold, and convey real and personal property necessary to its establishment and maintenance. It shall have the same powers and be subject to the same obligations that are now conferred or imposed by law upon town school districts as provided by chapter 138 of the Revised Laws. Each cooperative school district shall continue to maintain a school for the instruction of pupils therein up to and including the sixth elementary grade in each pre-existing district maintaining an elementary school at the time of the



organization of the cooperative district, until such time as the legal voters of each pre-existing district at a meeting of such voters duly called by the school board of the cooperative school district shall by majority vote of those present and voting at such meeting determine to discontinue the elementary school in such pre-existing district.

Amend paragraph I of section 15 of said chapter 199 by striking out said paragraph and inserting in place thereof the following:

I. When an order annexing territory to a cooperative school district has been made and entered as provided in section 3, the commissioner shall within ten days thereafter cause certified copies of said order to be filed with the school board of the cooperative school district and the school board of each school district affected thereby. Said order annexing territory to the cooperative school district shall become final sixty days after such filing of the certified copies thereof, unless a special meeting of the cooperative school district or of any school district being annexed named in this order is called for action on this order pursuant to sections 2 and 3 of chapter 139 of the Revised Laws.

Further amend said bill by inserting after section 2 the following new section:

3. *Amendment.* Amend the last sentence of section 47 of chapter 135 of the Revised Laws, as inserted by chapter 172 of the Laws of 1949, by striking out the same and inserting in place thereof the following: A vote to accept a new service shall not be construed as a vote to raise and appropriate money within the meaning of section 3, chapter 139, Revised Laws.

Further amend said bill by renumbering section 3 to read section 4.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 494, An act relative to nonresident students at the University of New Hampshire, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Read of Plainfield, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 433, An act relative to terms of members of boards appointed by the governor and council, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 184, An act relative to public hearings for opening and closing seasons for taking fish, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Gardner of Littleton, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 61, An act legalizing school district meeting in the town of Newfields held March 5, 1949, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Roberts of Orford, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 82, An act relative to Milton Fire District, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Sawyer of Manchester, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 87, An act validating certain proceedings of the town of Bristol, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Thibodeau of Wolfeboro, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 25, An act relative to qualifications for old age assistance, reported the same in new draft, with the recommendation that the bill in its new draft be recommitted to the Committee on Public Welfare and State Institutions.

The report was accepted.

The bill in its new draft was read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Public Welfare and State Institutions.

### **Taken from the Table**

#### **Report of Committee of Conference**

The Committee of Conference, to whom was referred House Bill No. 36, An act relating to registration of foreign corporations, having considered the same, reported the same with the recommendation that the House recede from its position of non-concurrence in the Senate amendments, that the Senate recede from its position in the adoption of its amendments, and that the House and Senate adopt the amendments as printed in the Journal of May 10 on pages 20, 21 and 22.

The report was accepted.

#### **Engrossed Bill Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:

Senate Bill No. 37, An act relative to pari mutuel pools at race meets at agricultural fairs.

The report was accepted.

#### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives.

House Bill No. 264, An act relating to appointment of probation officers in large towns and cities.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 135, An act pertaining to jail sentences.

Amend section 1 of said bill by striking out the first six lines and inserting in place thereof the following:

1. *Jail Sentences.* Amend section 13 of chapter 429 of the Revised Laws by striking out said section and inserting in place thereof the following: 13. *Place; Reduction in Sentence.* Persons liable to commitment to jail for any offense may be committed to the jail or to any house of correction in the discretion of the court. The keeper of said jail or superintendent of said house of correction may

On motion of Mr. Walker of Hinsdale the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 326, An act relating to compensation of election officials of the city of Manchester.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Compensation of Manchester Election Officials.* Each ballot inspector

On motion of Mr. Sullivan of Ward 6, Manchester, the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 366, An act relative to motorized bicycles or scooters.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Definition.* Amend paragraph XIII of section 1, chapter 115 of the Revised Laws by striking out said paragraph and inserting in place thereof the following: XIII.

"Motor cycle" shall include motor vehicles having but two wheels in contact with the ground and with pedals and saddle on which the driver sits astride, and also motorized bicycles and motor scooters having but two or three wheels in contact with the ground.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Motor Cycle Operation.* Amend chapter 119 of the Revised Laws by adding after section 25 the following: 25-a. *Motor Cycle.* No person operating a motor cycle shall permit any other person to ride on said motor cycle unless it is suitably equipped and designed to safely transport another person.

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 459, An act relative to workmen's compensation. (Providing for an increase in the amount of weekly compensation.)

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act providing for an increase in the amount of weekly compensation under the workmen's compensation law.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Workmen's Compensation.* Amend section 20 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 and as amended by chapter 152 of the Laws of 1949 by striking out the word "twenty-five" in the seventh line and inserting in place thereof the word, thirty,

Further amend said bill by renumbering section 5 to read section 4.

On motion of Mr. Rowell of Newport the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives.

House Bill No. 206, An act relating to insurers not authorized to transact business in this state.

Amend paragraph I of sub-section 3 of section 1 of the bill by adding after the word "action" in the seventh line of said paragraph the words: provided, however, that the court may in its discretion make an order dispensing with such deposit or bond where the insurer makes a showing satisfactory to such court that it maintains in a state of the United States funds or securities, in trust or otherwise, sufficient and available to satisfy any final judgment which may be entered in such action, suit or proceeding, so that said paragraph as amended shall read as follows:

I. Before any unauthorized foreign or alien insurer shall file or cause to be filed any pleading in any action, suit or proceeding instituted against it, such unauthorized insurer shall either (a) deposit with the clerk of the court in which such action, suit or proceeding is pending cash or securities or file with such clerk a bond with good and sufficient sureties, to be approved by the court, in an amount to be fixed by the court sufficient to secure the payment of any final judgment which may be rendered in such action, provided, however, that the court may in its discretion make an order dispensing with such deposit or bond where the insurer makes a showing satisfactory to such court that it maintains in a state of the United States funds or securities, in trust or otherwise, sufficient and available to satisfy any final judgment which may be entered in such action, suit or proceeding; or (b) procure a certificate of authority to transact the business of insurance in this state.

Further amend section 1 of the bill by adding after sub-section 4 of said section the following new sub-section: 5. The provisions of this act shall not apply to any action, suit or proceeding against any non-admitted foreign or alien insurer arising out of any contract of insurance

(a) affected in accordance with Section 25 or Chapter 325, Title XXVII of the Revised Laws of New Hampshire, or

(b) covering ocean marine, aircraft or railway insurance risks, or

(c) against legal liability arising out of the ownership, operation or maintenance of any property having a permanent site outside this state, or

(d) against loss of or damage to any property having a permanent situs outside this state, where such contract of insurance contains a provision designating the Commissioner and his successor or successors in office to be the true and lawful attorney of such non-admitted insurer upon whom may be served all lawful process in any action, suit or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract of insurance or where the insurer enters a general appearance in any such action, suit or proceeding.

Further amend said bill by renumbering sub-sections 5 and 6 of section 1 to be sub-sections 6 and 7.

On motion of Mr. Elwell of Exeter the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives.

Senate Bill no. 67, An act relating to manufacturer's permits.

Senate Bill No. 99, An act relative to insertion of articles in the warrant for school district meeting.

Senate Bill No. 104, An act ratifying certain action taken by the school district of Pelham.

### **Senate Bills Read and Referred**

Senate Bill no. 67, An act relating to manufacturer's permits.

Read a first and second time and referred to the Committee on Liquor Laws.

Senate Bill No. 99, An act relative to insertion of articles in the warrant for school district meeting.

Read a first and second time and referred to the Committee on Education.

Senate Bill No. 104, An act ratifying certain action taken by the school district of Pelham.

Read a first and second time and referred to the Committee on Municipal and County Government.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their titles only.

### Third Readings

House Bill No. 494, An act relative to non-resident students at the University of New Hampshire.

Read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 61, An act legalizing school district meeting in the town of Newfields held March 5, 1949.

Senate Bill No. 82, An act relative to Milton fire district.

Senate Bill No. 87, An act validating certain proceedings of the town of Bristol.

Senate Bill No. 97, An act relative to deposits of city funds in banks.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Hall of Marlboro at 11:55 o'clock the House adjourned.

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THURSDAY, MAY 12, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, in whom we live and move and have our being; help us to more fully appreciate that Thou art Everything to everyone, the Upholder of the loyal, the Helper of the laboring man and woman, the Friend of the rich and the poor, the Guide of the wanderer, the Hope of despondent, the Strength



of the tempted, the Joy of all Thy children. Give us faith now to believe that Thou canst be all to us according to our need, and give us the will to renounce all proud self-dependence that hinders this close relationship with Thee; through Jesus Christ our Lord. Amen.

### Committee Reports

Mr. Spaulding of Hudson, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 216, An act to provide a central depository for state deeds, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act to provide for a general index of deeds conveying real estate to the state.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Attorney-General.* The attorney-general is directed to prepare and maintain an index of all deeds taken by the state of real estate, highway easements, or any other interests in real estate. Said index shall be in such form as the attorney-general may determine. The attorney-general is also authorized to designate where such deeds and records shall be kept provided that deeds or records of highway easements shall be kept in the office of the highway department and records of property conveyed for the University of New Hampshire shall be kept at the University. The University of New Hampshire and the highway department are directed to prepare and maintain an index of the records in their departments in the form prescribed and under the general supervision of the attorney-general. The attorney-general is authorized to employ and fix the compensation of such assistants as may be necessary to carry out the provisions of this act.

2. *Appropriations.* The sum of three thousand five hundred dollars is hereby appropriated to be expended under the direction of the attorney-general for the purpose of preparing the index required by this act. Said sum may be expended for supplies and for clerical assistance in the office of the attorney-

general. Any clerical expense incurred by the University of New Hampshire or the highway department in connection with the provisions of this act shall be a charge upon the funds of such University and department, respectively.

3. *Takes Effect.* This act shall take effect as of July 1, 1949.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

Mrs. Wheeler of Bristol, for the Committee on Judiciary, to whom was referred House Bill No. 449, An act relative to the emotionally or mentally ill, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *State Hospital.* Amend section 1 of chapter 17 of the Revised Laws by striking out said section and inserting in place thereof the following: 1. *Name.* The asylum for the insane and for emotionally or mentally ill persons at Concord is a corporation under the name of the New Hampshire State Hospital.

2. *Voluntary Commitment.* Amend chapter 17 of the Revised Laws by inserting after section 19 as amended by chapter 11 of the Laws of 1949 the following new section: 19-a. *Emotionally or Mentally Ill.* Pursuant to rules and regulations established by the superintendent of the state hospital, the state hospital may receive and detain therein as a patient any person who is emotionally or mentally ill. Said person shall be committed therein under the provisions of section 19 as amended by chapter 112 of the Laws of 1949.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Hambleton of Goffstown, for the Committee on Judiciary, to whom was referred House Bill No. 401, An act relating to notice of tax sales, reported the same with the

following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Tax Sales of Real Estate Subject to Liens for Old Age Assistance.* No tax sale of real estate upon which there is a lien for old age assistance recorded in the registry of deeds shall be valid as against the State of New Hampshire unless the purchaser at the tax sale shall notify in writing the commissioner of public welfare, within thirty days from the date of such sale. Such notice shall contain the date of the tax sale, the name of the delinquent taxpayer, the total amount for which the real estate was sold and the amount of costs for notifying the commissioner of public welfare. Such costs shall be the same as for notifying mortgagees.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Fernald of Rochester, for the Special Committee consisting of the delegation from the city of Rochester, to whom was referred House Bill No. 291, An act relative to the salary of the mayor of Rochester, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to the salary of the mayor and establishing a department of public works in the city of Rochester.

Amend section 1 of said bill by striking out the words "one thousand dollars" and inserting in place thereof the words, twelve hundred dollars, so that said section as amended shall read as follows:

1. *Salary.* The mayor of the city of Rochester shall receive an annual salary of twelve hundred dollars to be paid him at stated periods out of the city treasury and said salary shall be in full for services of any kind tendered by him in the discharge of all the duties pertaining to his office.

Further amend said bill by inserting after section 2 the following new section :

3. *Department of Public Works.* There is hereby established and constituted a department of public works for the city of Rochester which shall be under the control of a commissioner of public works appointed by the city council. Said commissioner of public works shall exercise general supervision, control and direction, within said city, over all matters pertaining to construction, maintenance and sprinkling of all highways, public parking lots, sidewalks and drains. He shall also have the management, care and preservation of the parks, commons, playgrounds and shade trees in the city. He shall also have general management of the department of water works and the department of sewers and shall perform all duties heretofore imposed upon the superintendent of water works and superintendent of sewers.

4. *Offices Abolished.* On and after the appointment of the commissioner of public works in the city of Rochester, as provided in section 3 the offices of street commissioner, and superintendent of water works and sewers shall be abolished.

Further amend said bill by renumbering section 3 to read section 5.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Mr. Fernald of Rochester spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Messrs. Chase and Lorden of Franklin, for the Special Committee consisting of the Delegation from the city of Franklin, to whom was referred House Bill No. 400, An act to revise the charter of the city of Franklin, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Further amend said bill by striking out the last two sentences of Section 18, and adding a new section to be numbered 19 (the remaining sections to be re-numbered accordingly), said new section to read as follows:

19. *Vacancy.* Should a suspension or vacancy occur in the office of manager, the council may appoint a temporary manager, not necessarily qualified under the provisions of Section 17, who shall serve at the pleasure of the council, or until the suspension is withdrawn or a permanent manager is appointed. In no event shall a temporary manager serve for a period in excess of four months, nor shall he be paid a salary in excess of two hundred dollars per month.

Further amend said bill by inserting after section 49 the following new section:

50. *Recount.* The ballots used at the special election held in the city of Franklin in 1949, or at any regular election subsequent thereto, relative to the adoption of the provisions of this act, shall be sealed up and preserved by the city clerk for a period of at least thirty days after said meeting. Twenty-five legal voters of the city of Franklin may, within said thirty-day period but not afterwards, petition the city clerk for a recount of the votes cast upon said question of the adoption of the charter provided by this act. The city clerk, upon receipt of said petition, shall fix a time for such recount and shall notify the petitioners and the mayor and councilmen, by mail, of the time and place so fixed. At the time and place so appointed in said notification the city clerk shall produce the ballots and the mayor and councilmen shall count the same and mayor shall make a declaration of the results thereof. If the result of such recount shall be different than the results as announced by the moderators at the original counting of the ballots the city clerk shall correct the records in his office accordingly. The decision of the mayor and councilmen as to the result of the balloting on said question shall be final.

Further amend said bill by renumbering sections 50, 51 and 52 to read 51, 52 and 53, respectively.

Messrs. LaBranche and Burke of Franklin, for the Special Committee consisting of the Delegation from the city of Franklin, to whom was referred House Bill No. 400, An act to revise the charter of the city of Franklin, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The reports were accepted.

The delegation being equally divided.

Mr. Chase of Franklin moved that the amendment be adopted, and the bill as amended be ordered to a third reading.

The question being on the motion.

Mr. LaBranche of Franklin moved that the words "inexpedient to legislate" be substituted for the motion of Mr. Chase.

Mr. LaBranche of Franklin spoke in favor of the motion.

Messrs. Lorden of Franklin and Turner of Keene spoke against the motion.

Mr. Angus of Claremont moved that the bill and amendment be recommitted to the delegation of the city of Franklin.

On a *viva voce* vote the Chair was in doubt.

The Chair called for a division.

A division being had, 163 members having voted in the affirmative, and 129 members having voted in the negative, the motion to recommit prevailed.

### Reconsideration

Mr. LaBranche of Franklin moved that the House reconsider the vote whereby it voted to recommit House Bill No. 400.

On a *viva voce* vote the motion to reconsider prevailed.

The question being on the motion to substitute the words "inexpedient to legislate" for the motion of Mr. Chase.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

### Special Order

Mr. Pillsbury of Manchester called for the special order.

It being, the special committee consisting of the Delegation from the city of Manchester, to whom was referred House Bill No. 434, An act providing for the adoption of council-manager form of government for the city of Manchester, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 113 of said bill by striking out the same and inserting in place thereof the following:

113. *Referendum.* This charter shall not take effect unless it is adopted by a majority of those voting on the questions set forth in this section at the general municipal election to be held in the city of Manchester on the first Tuesday after the first Monday of November, 1949. The city clerk then in office shall cause to be included on the ballot then used the following questions: (1) "Shall the city retain the Board of Mayor and Alderman form charter in effect at this time?" (2) "Shall the provisions of an act entitled 'An act providing for the adoption of a council-manager form of government for the city of Manchester' Laws of 1949, be adopted?" Proper provisions for the voter to clearly indicate his choice on the questions shall be made on the ballot. If a majority of those voting in the affirmative on the questions shall vote in the affirmative on question number (2), such act shall thereby have been adopted. No other questions relating to charter amendments shall be on the ballot at said election.

The report was accepted.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Kazakis of Manchester moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Kazakis, Healy, Martel, and Sullivan, Ward 7, Manchester, and Pickett of Keene, spoke in favor of the motion.

Messrs. Pillsbury, Sawyer and Geisel of Manchester spoke against the motion.

Mr. Daniels of Ward 1, Manchester, moved the previous question. The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the motion did not prevail.

Mr. Kazakis of Manchester asked for a division.

A division being had, 84 members having voted in the affirmative and 230 members having voted in the negative, the motion to indefinitely postpone did not prevail.

Mr. Kazakis of Manchester offered the following resolution:

After the word "manager," fourth line of paragraph 28, add the following, Alexander Kazakis for an indefinite term and fix salary, striking out the rest of the paragraph.

The question being on the amendment.

(Discussion ensued)

Mr. Kazakis of Manchester spoke in favor of the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Martel of Manchester offered the following amendment:

Amend the bill by striking out the last sentence of section 113 as amended.

The question being on the amendment.

(Discussion ensued)

Messrs. Martel, Betley, Kazakis and Malatras of Manchester and Spaulding of Hudson, spoke in favor of the amendment.

Mr. Pillsbury of Manchester spoke against the amendment.

Mr. Laraba of Portsmouth moved the previous question. The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment.

On a *viva voce* vote the amendment was not adopted.

The question being, Shall the bill be read a third time?

On a *viva voce* vote the bill was ordered to a third reading.

Mr. Kazakis of Manchester moved that the rules be suspended and the third reading of House Bill No. 343 be made in order at the present time, by title.

The question being on the motion.

(Discussion ensued)

Mr. Pillsbury of Manchester spoke against the motion.

On a *viva voce* vote the motion did not prevail.

The bill was ordered to a third reading.

Mr. Sullivan of Manchester, Ward 7, for the special committee consisting of the delegation from the city of Man-



chester, to whom was referred House Bill No. 436, An act to provide for a strong mayor-council form of government for the city of Manchester, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Special Committee consisting of the delegation from the city of Manchester, to whom was referred House Bill No. 436, An act to provide for a strong mayor-and-council form of government for the city of Manchester, and being unable to agree with the majority, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass.

LOUIS I. MARTEL,  
*A Minority of the Committee.*

### Amendments

Amend Section 3, page 5, line 7, by striking out "1949" and inserting in place thereof "1951," so that said section as amended shall read as follows:

### II. Elections

3. *Conduct of Elections.* The election officers in each ward whose duty it is to conduct regular biennial elections shall conduct a municipal election in the same manner as a regular biennial election on the Tuesday following the first Monday in November in the odd-numbered years, beginning in 1951. The candidates for all offices to be filled at such municipal elections shall be nominated at primary elections, hereinafter called primaries, to be holden on the fourth Tuesday preceding each municipal election. The registrar of voters for the city of Manchester shall determine the polling place or places in each ward and shall give notice thereof when the check-lists for the primary election are first posted.

Amend Section 5, page 6 in line 8, by striking out the words "on the Saturday next preceding" and inserting in place thereof, the words "ten days prior to" so that said section as amended shall read as follows:

5. *Check-List of Voters.* The registrars of voters shall make, post and correct a check-list for use in each ward at each primary election in the same manner in which check-lists

are by law required to be prepared for use at regular biennial elections. Any check-list so prepared shall be further corrected for use at the succeeding municipal election at a session of the registrars of voters to be holden ten days prior to such municipal election, notice of which session shall be given on the check-lists posted before the preceding primary, and no further posting or notice shall be required before the municipal election. All provisions of the public statutes (Revised Laws) and amendments thereto regarding the preparation, use and preservation of check-lists used at regular biennial elections shall prevail except as otherwise expressly provided herein.

Amend Section 6, by striking out in line 8 the words "offices of mayor and" and inserting in place thereof the words "office of."

Further amend said section by striking out in line 12 the word "fifteenth" and inserting in place thereof the word "fourteenth."

Further amend said section by inserting after the word "not" in line 11 the words "more than twenty-one days before and not."

Further amend said section by striking out the word "ten" in line 25 and inserting in place thereof the word "twelve"; so that said section when amended will read as follows:

6. *Preparation of Ballots.* The city clerk shall prepare the ballots to be used at the municipal primaries and elections in form as nearly like those used in regular biennial elections as the requirements of this charter shall permit. The ballots for the primary election shall contain the names in alphabetical order and with their respective party designations, of all persons who shall file with the city clerk as candidates for the office of councilman, to be nominated and elected in the manner hereinafter specified by this charter. Candidates for the several offices must file with the city clerk not more than twenty-one days before and not later than five o'clock in the afternoon of the fourteenth day before the primary election. A candidate for the office of mayor shall pay to the city clerk a filing fee of fifty dollars unless there shall have been filed in behalf of such candidate a petition signed by at least one hun-

dred and fifty qualified voters of the city. Candidates for the office of councilman shall each pay a filing fee of ten dollars and, for the office of school committeeman, the filing fee shall be five dollars or, in lieu thereof, there shall be presented in behalf of the candidate a petition signed by not less than fifty qualified voters of his ward. No name shall be printed on the ballot by reason of such petition unless consent thereto shall have been endorsed thereon by the candidates therein named not later than twelve days before the primary. Below the names of the candidates there shall be as many black spaces for write-in candidates as there are offices to be filled. The city clerk shall have the same powers and duties with reference to municipal primaries and elections as has the secretary of state with respect to general biennial elections insofar as such powers and duties are not inconsistent herewith. The provisions of Section 15 of this charter relative to the residential qualifications of a candidate for the office of mayor, shall not be applicable under the following conditions: A candidate for said office, who need not be a resident of the city or state at the time of the primary election, shall be entitled to have his name placed upon the ballot for said primary election upon petition of not less than ten per cent of the total number of qualified voters who cast ballots at the last preceding municipal election. Such petition shall be filed with the city clerk in accordance with the provisions of this section. At the same time, said candidate may file with the city clerk a brief statement, under oath, in which may be recited the candidate's record of experience or training as an executive or administrator of municipal affairs in some city or town in the United States. Said statement shall be a matter of public record but no part of the same shall appear upon the ballot at either the primary or city elections.

Amend section 7 in line 1 by striking out in the caption the words "primary election."

Further amend said section by inserting after the word "mayor" in line 2 the word "or."

Further amend said section by striking out in line 2 the words "or school committeeman."

Further amend said section by adding in line 6 after the number "63" the word and number "and 64."

Further amend said section by adding after the word "Laws" the following paragraph: "Candidates for the office of school committeeman shall comply with the provisions of section 6 of this charter relative to payment of a filing fee or presentation of a petition in lieu thereof. The provisions of section 7, herewith, shall also be applicable to such candidates whose names, however, shall not appear upon the ballot at the primary but shall be placed upon the ballot at the municipal election," so that said section as amended shall read as follows:

7. *Nomination Papers.* Candidates for the office of mayor or councilman may file nomination papers with the city clerk not less than twenty-one days prior to the date of the municipal primary election, in compliance with the provisions of sections 62 and 63 and 64 of chapter 33 of the Revised Laws. Candidates for the office of school committeeman shall comply with the provisions of section 6 of this charter relative to payment of a filing fee or presentation of a petition in lieu thereof. The provisions of section 7, herewith, shall also be applicable to such candidates whose names, however, shall not appear upon the ballot at the primary but shall be placed upon the ballot at the municipal election.

Amend said bill by inserting after section 7 the following new section to be designated as "Section 7-a."

7-a. *Absentee Voting.* Any legal voter of said city of Manchester who is absent from said city on the day of the meeting for the election of city and ward officers, held in November biennially, or who, by reason of physical disability, is unable to vote in person at said meeting, may vote at said election by so-called absentee ballot. The provisions of sections 61 to 75 of chapter 34 of the Revised Laws, so far as applicable hereto and not inconsistent herewith, shall apply to such absent voting in said city, provided that the city clerk shall prepare the forms and ballots for such voting and said clerk shall also prepare the instructions required in section 74 of said chapter 34.

Amend section 8 on page 10 of said bill by inserting after the word "office" in line 14 the words "at the municipal election" so that said section as amended shall read as follows:

8. *Contested Elections.* Within seven days after a municipal primary or election the council shall canvass the

votes cast and the candidates receiving the highest number of votes for the offices to be filled shall be declared elected. Within seven days thereafter the council shall, subject to such rules and regulations as it may prescribe, upon request of any candidate, recount the ballots cast at any primary or election and hear and determine any contest on the ground of fraud or misconduct therein. Decisions of the council in cases of contested elections shall be final. Tie votes for any elective office except that of mayor shall be resolved by lot in the manner that the council shall prescribe. If two candidates for mayor shall, without question, receive an equal number of votes for said office at the municipal election, the city council shall forthwith order a special election to be held to break the deadlock. In cases arising under this section the council shall have the power to subpoena witnesses and compel the production of all pertinent books, records and papers.

Section 12, page 14, line 7, strike out the sentence beginning with the words "The two" and insert in place thereof the following: "The candidate receiving the greatest number of votes cast for the mayoralty nomination upon each party ticket, in all of the wards of the city, shall be entitled to have his name appear upon the ballot as a candidate for the office of mayor at the following municipal election."

Page 14, line 12, insert, after the words "names" in this line, the words "of the party nominees and of all persons nominated by petition to appear upon the ballot at said election, and he shall prepare the ballots in accordance with the provisions of sections 1 to 18, inclusive, of chapter 34 of the Revised Laws," thus striking out lines 13, 14 and 15 of the printed bill.

Amend section 12 of this charter by striking out the sentence beginning with the words "The two" in line seven thereof and inserting in its stead the following: "The candidate receiving the greatest number of votes cast for the mayoralty nomination upon each party ticket, in all of the wards of the city, shall be entitled to have his name appear upon the ballot as a candidate for the office of mayor at the following municipal election," so that the section, as amended shall read as follows:

12. *Mayor: How Chosen.* At the primary election the names of all persons who have filed for the office of mayor in compliance with the provisions of section 6, article II of this

charter, shall appear upon the ballot in each ward of the city. Each voter shall be entitled to mark his ballot for one such candidate or to write in the name of his own choice for the office. The candidate receiving the greatest number of votes cast for the mayoralty nomination upon each party ticket, in all of the wards of the city, shall be entitled to have his name appear upon the ballot as a candidate for the office of mayor at the following municipal election. In printing the ballots for said municipal election the city clerk shall prepare the ballots in accordance with sections 1 to 18 inclusive of chapter 34 of the Revised Laws, cause the names of the party nominees and of all persons nominated by petition to appear upon, etc., of all candidates for mayor to be so rotated as to insure the name of each candidate appearing at the top of the list an equal number of times.

Amend section 14 of this charter by striking out the words "who shall be nominated and," in the third line and inserting in place thereof the words "to be;" and further amend said section by adding, after the word "designation" in the seventh line thereof, the words "at the municipal election," so that this section, as amended, shall read as follows:

14. *School Committee; How Chosen.* There shall be a school committee for the city of Manchester to consist of one member from each ward, to be elected in the same manner as members of the city council; provided, however, that the names of the candidates therefor shall appear upon the ballot and without party designation at the municipal election. They shall be elected for terms of two years or until their successors are elected and qualified. The school committee so chosen at the first election under this charter shall continue to receive the same compensation and to have and to exercise the same powers and perform the same duties as the school committee existing at the time of the adoption of this charter, insofar as said powers and duties are not inconsistent therewith.

Amend section 29 of this charter by inserting a new sentence, after the word "term" in the eleventh line thereof, to read, "All nominations to the office of police commissioner, as made by the mayor, shall be subject to confirmation by the council," so that the section, as amended, shall read as follows:

29. *Police Commission.* The police commission existing at the time of the adoption of this charter shall remain in office until the ends of the terms for which the commissioners were severally appointed and, at the end of the term for which each commissioner was named by the governor, his successor in office shall be appointed by the mayor for a term of three years. If the term of office of any commissioner appointed by the governor shall be sooner terminated by death, resignation or any other cause, his successor shall be appointed by the mayor to fill the unexpired term. All nominations to the office of police commissioner, as made by the mayor, shall be subject to confirmation by the council. Not more than two commissioners at any time shall be members of the dominant political party in the city as shown by the records of the biennial election for senators and representatives next preceding the date of appointment. The police commission appointed under the provisions of this charter shall have and possess and exercise all of the powers and authority vested in the police commission for the city of Manchester as established by chapter 148 of the New Hampshire session laws of 1913 and acts in amendment thereof, including the right to name the members and subordinate officers and a chief of the police department, and to exercise other powers and duties therein specified, provided that the same be not inconsistent with the provisions of this charter.

Amend section 31 of this charter by striking out, in the third and fourth lines thereof, the words "a fire commission, a highway commission," and, by striking out, in the ninth and tenth lines of said section, the words "a director of the public welfare department." Further amend said section 31 by inserting, after the word "appointment" in line seventeen thereof, the words "The qualification as to local residence shall not apply to the superintendent or assistant superintendent of schools, nor to the executive head of the health department"; so that the section, as amended, shall read as follows:

31. *Appointive Officers.* As soon as may be after the organization of the new city government, the mayor shall appoint an airport commission, a board of health, a parks and recreation commission and a board of trustees of trust funds, each to consist of three persons. He shall also appoint a board of cemetery trustees, consisting of five persons; a superin-

tendent of public buildings; a city treasurer; a collector of taxes; a city solicitor and a sealer of weights and measures. He may also appoint a purchasing agent and such other officers as may be required in the proper conduct of city business. No person shall be eligible for appointment as a member of any board or commission or as head of a department unless he shall have been a citizen and resident of Manchester for not less than two years next preceding such appointment. The qualifications as to local residence shall not apply to the superintendent or assistant superintendent of schools, nor to the executive head of the health department. The terms of office, duties and compensation of the several appointees as members of boards or commissions, as department heads or in other capacities, shall be as determined by the council and set forth in the administrative code.

Amend section 32 of this charter by inserting the words "a fire commission and a highway commission, each to consist of three persons; a director of the public welfare department," after the word "city" in the sixth line thereof; and, after the word "commissioners," in the tenth line thereof, by inserting a new sentence, as follows: "Whenever the mayor shall exercise the discretionary power vested in him under the provisions of section 31 of this charter and shall name a purchasing agent, said nomination shall be made subject to confirmation by the city council." Said section 32 is hereby further amended by inserting, after the word "several" in the eleventh line of said section, the word "officers," followed by a comma, so that the section, as amended, shall read as follows:

32. *Appointees Subject to Confirmation.* The Mayor shall also appoint, subject to confirmation by the city council, the following officers: a board of assessors consisting of three members; a board of registrars of voters to consist of three members, two of whom shall be members of the dominant political party in the city; a fire commission and a highway commission, each to consist of three persons; a director of the public welfare department; five members of the Manchester housing authority; five members of the city planning and industrial commission; five members of the zoning board of adjustment and six members of the board of water commissioners. Whenever the mayor shall exercise the discretionary power vested in him under the provisions of section 31 of this



charter and shall name a purchasing agent, said nomination shall be made subject to confirmation by the city council. The powers and duties of these several officers, boards and commissions shall be defined by ordinance and incorporated in the administrative code, except as otherwise specifically provided in this charter. The qualifications for membership in the above-named boards and commissions shall be as prescribed for persons appointed to office under the provisions of section 31, ante.

The reports were accepted.

The question being on the amendments.

Mr. Martel of Manchester moved that the rules be suspended and reading of the amendments, offered by the minority of the committee, be dispensed with.

The question being on the motion.

(Discussion ensued)

Messrs. Martel and Sullivan of Ward 7, Manchester, spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. Martel of Manchester moved to substitute the report of the minority, ought to pass with amendments, for the report of the majority, inexpedient to legislate.

(Discussion ensued)

Messrs. Martel and Kazakis of Manchester spoke in favor of the motion.

On a *viva voce* vote the motion to substitute did not prevail.

The question being on the resolution of the majority of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution of the majority of the committee was adopted.

### Reconsideration

Mr. Pillsbury of Manchester moved that the vote whereby the House adopted the majority report of the committee, inexpedient to legislate, on House Bill No. 436, be reconsidered.

On a *viva voce* vote the motion to reconsider did not prevail.

### Read a Third Time and Passed

Mr. Pillsbury of Manchester moved that the rules be suspended and the third reading of House Bill No. 436, by its title, and final passage, be made in order at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed and sent to the Senate for concurrence.

### Reconsideration

Mr. Pillsbury of Manchester moved that the vote whereby the House passed House Bill No. 434, be reconsidered.

The question being on the motion to reconsider.

(Discussion ensued)

Messrs. Kazakis of Manchester and Stocklan of Dover spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 83, An act relative to transfer tax on certain buildings in the town of Hampton.

House Bill No. 264, An act relating to appointment of probation officers in large towns and cities.

The report was accepted.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 460, An act relating to workmen's compensation, (extension of insurance coverage), reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An act relative to notices required by insurance carriers in certain cases relating to workmen's compensation.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Insurance Carriers.* Amend chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting after section 8 the following new section: 8-a. *Notices Required to be Filed.* 1. A policy of workmen's compensation insurance covering the liability of an employer under the provisions of this chapter shall not be cancelled within the time limited in such policy for its expiration until at least thirty days after a notice of intention to cancel such policy on a date specified in such notice has been filed in the office of the commissioner and also served on the employer.

II. An insurance carrier who does not intend to renew a policy of workmen's compensation insurance covering the liability of an employer under the provisions of this chapter, thirty days prior to the expiration of such policy shall give notice of such intention to the commissioner of labor and to the covered employer. An insurance carrier who fails to give such notice shall continue the policy in force beyond its expiration date for thirty days from the day such notice is received by the commissioner. Provided, however, that this latter provision shall not apply if prior to such expiration date the insurance carrier has offered to continue the insurance beyond such date by delivery of a renewal contract or otherwise or if the employer notifies the insurance carrier that he does not wish the insurance continued beyond such expiration date or if the employer complies with the provisions of paragraph II of section 8 on or before the expiration date of the existing insurance or if the employer replaces said insurance with another carrier.

On motion of Mr. Rowell of Newport the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Hurd of Concord, for the Committee on Engrossed Bills to whom was referred Senate Joint Resolution No. 11, Joint resolution concerning a bridge in the Town of Warner, reported the same under joint rule 6 with the following amendment, and the recommendation the the resolution as amended ought to pass.

Amend the resolution by striking out the third paragraph thereof and inserting in place thereof the following:

*Resolved by the Senate and House of Representatives in General Court convened:*

That the highway department is hereby relieved of any obligation to the town of Warner insofar as the same shall apply to Bagley bridge in said town but said department is authorized to expend from the funds of the department the sum of thirteen thousand dollars for the rebuilding of the so-called John Ela bridge in the central part of said town provided that the town of Warner shall appropriate the sum of two thousand dollars to cover the cost of building approaches to said bridge and provided further that any costs in excess of the above amount for rebuilding said John Ela bridge shall be as provided by law for town bridge aid.

The House concurred in adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

**Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to adopt the report of the Committee of Conference on the following entitled bill:

House Bill No. 36, An act relating to registration of foreign corporations.

The message further announced that Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 98, An act providing for the classification of certain surface waters.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 478, An act relative to construction and reconstruction of primary and secondary highways.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 75, An act providing for a people's counsel connected with the public service commission.

### Senate Bill Read and Referred

Senate Bill No. 75, An act providing for a people's counsel connected with the public service commission.

Read a first and second time and passed and referred to the Committee on Executive Departments and Administration.

### Committee Report

On motion of Mr. Myhaver of Peterborough the rules of the House were so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

Mr. Myhaver of Peterborough, for the Committee on Transportation, to whom was referred House Bill No. 90, An act relating to load limitations of motor vehicles, reported the same in new draft and with new title, with the recommendation that the bill in its new draft and with its new title be recommitted to the Committee on Transportation.

The report was accepted.

The bill in its new draft and new title was read a first and second time, laid upon the table to be printed, and re-committed to the Committee on Transportation.

### Report of Special Committee

The following report was ordered printed in the Journal:

May 12, 1949

HON. RICHARD F. UPTON, *Speaker*

House of Representatives

State House, Concord, N. H.

*Dear Mr. Upton:*

I am enclosing herewith a preliminary report of the Special Committee investigating the awarding of state contracts.

Very truly yours,

JOHN PILLSBURY, *Chairman*  
*Investigating Committee.*

### Preliminary Report of Special Legislative Committee

The Special Committee of the Legislature named to investigate and report on the award and administration of

State construction contracts has voted unanimously to suspend its public activities with reference to the Standard Construction Company contracts during the course of the trials of the criminal charges brought by the State of New Hampshire against Donat F. Cote and Stephen B. Story. Although it is not prepared to submit a final report of its findings at this time, the committee wishes to make a preliminary statement to the Legislature concerning its activities to date.

Pursuant to the concurrent resolution passed by the Legislature, the committee began public hearings early in February. On February 23rd the committee employed as counsel the Nashua law firm of Sullivan and Gregg.

Only where the Executive Branch of the government has declared that public hearings might jeopardize the State's legal interest has the committee taken testimony in Executive Session.

In pursuing its investigation, the committee has focused its attention on the awarding of contracts for capital improvements and on the relationship of the offices of Comptroller and Treasurer to other State agencies and officials. The committee has not concerned itself with the criminal phase of the so-called Story-Cote case. Out of respect for the State's interest in the indictments brought against Story and Cote, the committee has not pressed the office of the Attorney-General for information which would have proved useful, but which the Attorney-General and Governor refused to deliver for use of the committee except upon conditions not acceptable to the committee. The conditions proposed would have made it impossible for the committee to conduct even a wholly independent investigation thereafter without being subjected to the charge of having breeched a confidence reposed in it. The committee and its counsel have not seen at any time basic information which has been gathered for the State, such as that contained in the report of the Charles T. Main Company and the Lybrand, Ross Brothers and Montgomery firm.

The committee and its counsel have not seen the original manifests, bills, vouchers, contracts, correspondence and checks which were taken from the State files by order of the Attorney General. Because of the refusal of the Executive Department to divulge any of the information gathered for the

State by its investigation, the committee has probably been forced to duplicate to some extent the State's efforts.

In the course of its investigation, the committee has made full use of the stenographic help already on the State payrolls. The expenses of the committee to date approximate \$3,000.00

The committee was instructed to make recommendations for remedial legislation. During the life of the committee the Legislature, however, has passed a general reorganization law of much wider scope. It is the opinion of the committee, therefore, that its recommendations should not be presented in legislative form, but that its general recommendations should be referred to the State's Reorganization Commission.

The committee has heard extended but not complete testimony with reference to the qualifications of F. Gordon Kimball as State Treasurer. However, the committee is advised that any statement now on the qualifications of Mr. Kimball might prejudice the interest of either of the parties in the civil action which the State has brought to recover alleged overpayment of funds. It is the sense of the committee that any move made by the Legislature to elect a State Treasurer at this time might also prove prejudicial. The committee will be prepared to make a report on the qualifications of Mr. Kimball at the proper time.

Our investigation has disclosed that apparently the State has confined itself to the activities of Mr. Kimball and Mr. Story and has at no time made any effort to look into the possible civil liability of other State officials who were also involved in the handling of the same contracts. The committee intends to consider further such possibilities.

The committee believes that when the State has presented its evidence in the case against Mr. Story and Mr. Cote, it is advisable that both Mr. Story and Mr. Cote and others be given an opportunity to tell the committee what they know of the parts played by various State officials relating to State contracts.

The committee will submit suggestions for remedial legislation for appropriate action in due course.

The committee is not prepared at this time to state the future course of its investigation in detail. Consideration is being given to the advisability of investigating practices of

various departments in awarding contracts not made with the Standard Company or affiliates.

### Resolution

Mr. Converse of Claremont offered the following resolution

*Whereas*, Albert Stetson, Representative from Claremont, is ill in hospital, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend our greetings to our fellow member with our best wishes for his speedy return to health, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these Resolutions to Representative Stetson.

SYDNEY B. CONVERSE,

*Representative from Claremont.*

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their titles only, and when the House adjourns today it adjourns to meet Tuesday, May 17 at 11:00 o'clock.

### Third Readings

House Bill No. 291, An act relative to the salary of the mayor of Rochester.

House Bill No. 400, An act to revise the Charter of the City of Franklin.

House Bill No. 401, An act relating to notice of tax sales.

House Bill No. 449, An act relative to the emotionally or mentally ill.

House Bill No. 479, An act relative to protection against Bang's disease.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Lorden of Franklin at 1:35 o'clock the House adjourned.



TUESDAY, MAY 17, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O Eternal God, who has committed to us the great and solemn trust of life, grant that we may prove ourselves worthy of that trust. We do not ask to be released from the duties of life, but rather for strength to meet them: we do not ask that sorrow or bereavement or disappointment may forever be turned from us, but rather that we may not surrender to them. Help us to take the formless material of each day as it comes to us and so shape it in goodness and mold it in truth that it shall become a gift worthy of Thy receiving; through Jesus Christ our Lord. Amen.

### Leaves of Absence

Messrs. Rancour of Canterbury and Ring of Alstead were granted leave of absence for the day on account of important business.

Mr. Elliott of Milford and Mrs. Miller of Fitzwilliam were granted leave of absence for the week on account of illness.

Mr. Hambleton of Goffstown was granted leave of absence for the week on account of important business.

Mr. Nash of Concord was granted leave of absence on Thursday on account of important business.

### Resolutions

Mr. Clough of Haverhill offered the following resolution:

*Whereas*, we have learned with sorrow of the death of Maurice A. Roberts, Representative from the town of Orford, therefore be it

*Resolved*, That we, the members of the House of Representatives mourn the passing of our fellow member and extend our heartfelt sympathy to his family in its bereavement, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these Resolutions to Mrs. Roberts.

WILLIAM J. CLOUGH,  
Representative from Haverhill;  
ARTHUR L. HAMILTON,  
Representative from Lisbon;  
ROBERT J. FULLER,  
Representative from Hanover;  
HENRY S. PUSHEE,  
Representative from Lyme;  
FORREST B. COLE,  
Representative from Lebanon;  
ERNEST R. UNDERWOOD,  
Representative from Hampton.

The resolution was unanimously adopted by a rising vote.

Mr. Laraba of Portsmouth offered the following resolution:

*Whereas*, we have learned with sorrow of the death of Shirley S. Philbrick, Representative from the town of Rye, therefore be it

*Resolved* that we, the members of the House of Representatives, mourn the passing of our fellow member and extend our heartfelt sympathy to his family in its bereavement and be it further

*Resolved*, That we pay tribute to our fellow member for his faithful public service to his town and state, and be it further

*Resolved*, That we extend our heartfelt sympathy to his family in its bereavement; that the Speaker designate a delegation to attend the funeral services, and the Clerk be instructed to procure a floral tribute, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to the bereaved family.

*The Delegation from the City of Portsmouth*

GEORGE G. CARTER, No. Hampton,  
DEAN B. MERRILL, Hampton,  
ERNEST R. UNDERWOOD, Hampton,  
THORNTON WEEKS, Greenland.

The resolution was unanimously adopted by a rising vote.

### Committee Reports

Mr. Fernald of Rochester, for the Committee on Fisheries and Game, to whom was referred House Bill No. 320, An act relating to the extermination of wild boars in the counties of Sullivan and Grafton. reported the same in new draft, with the recommendation that the bill in new draft be referred to the Committee on Judiciary,

The report was accepted.

The bill in its new draft was read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Myhaver of Peterborough, for the Committee on Transportation, to whom was referred House Bill No. 505, An act to regulate the speed of motor vehicles on public highways, reported the same, in new draft, with the recommendation that the bill in its new draft ought to pass.

The report was accepted.

The bill in its new draft was laid upon the table to be printed.

Mr. Myhaver of Peterborough, for the Committee on Transportation, to whom was referred House Bill No. 509, An act relating to restricted instruction permit for motor vehicle operators, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Operation of Motor Vehicles.* Amend chapter 117 of the Revised Laws by inserting after section 4 the following new section:

4-a. *Restricted Instruction Permit.* The commissioner upon receiving proper application may, in his discretion, issue a restricted instruction permit, effective for a school year or more restricted period, to an applicant who is enrolled in a driver-training program approved by the motor vehicle department provided that the applicant is at least fifteen years of age. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to operate a motor vehicle on a designated highway only or

within a designated area but only when an approved instructor is occupying a seat beside the permittee. Said instructor shall be approved by the motor vehicle commissioner.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 480, An act providing for the study, treatment and care of inebriates, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 3 as inserted in section 1 of the bill by striking out the same and inserting in place thereof the following:

3. *Commission Constituted.* There shall be a commission for the study, treatment and care of inebriates which shall be known as the commission on alcoholism. The commission shall consist of five members to be appointed by the governor with the advice and consent of the council. One member of said commission shall be appointed annually for a term of five years. The term of each member shall be stated in his appointment, and each shall continue in office until his successor has been appointed and qualified. If a vacancy occurs in the membership of the commission a member shall be appointed to serve for the unexpired term, provided however, that appointments under this section shall not be made until the expiration of the terms of office of the members of the board for the treatment of inebriates who are constituted the commission on alcoholism as hereinafter provided. The governor may, with the consent of the council, remove any member for cause. Three members of the commission shall constitute a quorum for the transaction of business and the commission shall meet once a month, or more frequently, at the call of the chairman. Upon failure of a member to attend three consecutive meetings of the commission, his appointment shall be vacated unless excused by formal action of the commission.

Amend section 10 as inserted by section 1 of this bill by inserting after the word "purpose" in line 5 the words, when funds are made available, so that said section as amended shall read as follows:

10. *Buildings and Equipment.* The commission, with the consent of the governor and council, may establish or construct an institution for the treatment of its patients and shall have authority to purchase or lease land, buildings and equipment suitable for that purpose when funds are made available. The commission shall have the management and control of the property so acquired and shall, with the consent of the governor and council, appoint an administrator of any institution so constructed or established. The administrator shall not be a member of the board, and the board shall fix his salary, subject to the approval of the governor and council.

Amend section 11 as inserted by section 1 of the bill by striking out the word "shall" in line 2 and inserting in place thereof the word, may, so that said section as amended shall read as follows:

11. *State Hospital.* Until an institution is established, quarters for the reception and treatment of patients may be prepared at the state hospital, and all patients there received or committed thereto shall be subject to the discipline and control of the superintendent of that institution.

Amend paragraph II of section 12 as inserted by section 1 of the bill by adding after the word "inebriate" in line 6 the words, at any hearing herein provided except such hearing in which the commission is the initiating party the commission shall be notified seasonably of any pending hearing, by the court having jurisdiction thereof and the commission may appear as an interested party; and further amend the bill by striking out the word, "adequate" in line 17 and inserting in place thereof the word, suitable, so that said paragraph as amended shall read as follows:

II. Any justice of the superior court and any justice of a municipal court, on petition of the commission or of any citizen of the state, may commit to the care and custody of the commission for a period of not less than sixty days nor more than three years any person found by the court on hearing to be an inebriate. At any hearing herein provided except such hearing in which the commission is the initiating party, the commission shall be notified seasonably of any pending hearing, by the court having jurisdiction thereof and the commission may appear as an interested party. If the presiding justice finds the evidence sufficient to justify a finding that the

petitioner may be an inebriate, he may, pending the order as to committal, require such petitioner to submit to the commission for observation and study for a period of not more than fourteen days to determine whether in the judgment of the commission said petitioner is an inebriate. At the end of such period the commission shall report its findings to the presiding justice. Provided, however, that no court commitment hereunder shall be made when the commission states that it has not suitable facilities of personnel for the care of such person. The findings of the presiding justice on all questions of fact presented by any proceeding brought before him under this section shall be final.

Amend paragraph IV of section 12 as inserted by section 1 of the bill by striking out the word "committing" in line 1 and inserting in place thereof the word, transferring, so that said paragraph as amended shall read as follows:

IV. The executive director may make an order transferring a patient of the commission to another appropriate state or private agency or institution within or without the state for treatment or care and the commitment shall not exceed the time specified by the court.

Amend the bill by striking out sections 2, 3, 4 and 5.

Amend section 6 of the bill by renumbering the same to read section 14.

Amend section 7 of said bill by striking out the same and inserting in place thereof the following which is renumbered to read section 2.

2. *Agency Abolished.* The board for the treatment of inebriates appointed under the provisions of chapter 254 of the Laws of 1947 is hereby abolished and all properties and records of said board are hereby transferred to the commission created by this act. Any balance of funds or appropriations heretofore made available to the board for the treatment of inebriates shall be available to the commission hereby established. The members of the board for the treatment of inebriates shall constitute the commission on alcoholism and said members of said board shall continue as the members of the commission on alcoholism for the remainder of the term for which they were respectively appointed. As the term of office of each member of the board for the treatment of in-

ebriates expires, appointment shall be made for his successor on the commission of alcoholism as provided in section 3 of chapter 254 of the Revised Laws.

Amend said bill by inserting after section 2 as above provided for the following new section:

3. *Appropriations.* The sum of fifty thousand dollars is hereby appropriated for the purpose of carrying out the provisions of this act for the fiscal year ending June 30, 1950, and a like sum for the fiscal year ending June 30, 1951, for the same purpose, and the governor is hereby authorized to draw his warrant for said sums or any part thereof, out of any money in the treasury not otherwise appropriated.

Further amend said bill by re-numbering section 8 to read section 4.

The report was accepted.

The question being on the amendments.

(Discussion ensued)

Mr. Turner of Keene spoke in favor of the amendment.

Mr. Turner of Keene moved that the rules be suspended and reading of the amendment be dispensed with.

The question being on the motion of Mr. Turner.

Mr. Pickett of Keene spoke in favor of the motion.

On a *viva voce* vote the motion of Mr. Turner was adopted.

The question being on the adoption of the amendment.

On a *viva voce* vote the Chair was in doubt.

Mr. Elwell of Exeter asked for a division.

A division being had, the vote was declared manifestly in the affirmative.

The amendment was adopted and the bill referred to the Committee on Appropriations, under the rules.

Mrs. Studley of Rochester, for the Committee on Public Health, to whom was referred Senate Bill No. 86, An act establishing district departments of health, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Moore of Bradford, for the Committee on Public Works, to whom was referred House Bill No. 496, An act re-

lating to the appointment of assistant highway commissioners and a chief engineer, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Appointment.* Amend section 5 of Part 10 of chapter 90 of the Revised Laws as inserted by section 1 of chapter 188 of the Laws of 1945 by striking out said section and inserting in place thereof the following new sections:

5. *Assistant Commissioner; Planning.* The commissioner shall nominate and the governor, with the advice of the council, shall appoint and commission an assistant commissioner to determine and execute all matters relating to highway planning and development, personnel and business and financial management of the department. In case of the absence or disability of the commissioner or in case of a vacancy in the office of commissioner and until such vacancy is filled, he shall have all the powers and perform the duties of the highway commissioner.

5-a. *Assistant Commissioner; Information.* The commissioner may nominate and the governor, with the advice of the council, may appoint and commission an assistant commissioner in charge of public relations, information and complaints. At the request of the commissioner in charge of planning, he shall draft such legislation as may be necessary for the economic and efficient operation of the department.

5-b. *Chief Engineer.* The commissioner shall nominate and the governor, with the advice and consent of the council, shall commission and appoint a chief engineer for the highway department. Said engineer shall be in charge of all engineering, the construction and maintenance of highways and bridges, rights of way, and acquisition of land, laboratories, material and research and operation of the highway department garage and sign shop.

5-c. *Assistant Highway Commissioners; Chief Engineer; Qualifications and Duties.* All persons appointed under the provisions of the three preceding sections shall be specially qualified by previous experience to perform all duties as may be assigned to them by the commissioner to whom they shall be directly responsible.



2. *Salaries.* Amend section 4 of Part 10 of chapter 90 of the Revised Laws as inserted by section 1 of chapter 188 of the Laws of 1945 by striking out said section and inserting in place thereof the following:

4. *Salaries.* The annual salaries of the highway commissioner, the assistant highway commissioners and the chief engineer as hereinafter provided shall be determined by the governor and council. No one of said officials shall be included in any state employees' classification plan.

3. *Repeal.* Such provisions of chapter 250 of the Laws of 1947 as provide minimum and maximum salaries of the highway commissioner and assistant highway commissioner are hereby repealed.

4. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Mr. Ingham of Winchester spoke in favor of the amendment.

Mr. Sullivan of Ward 6, Manchester, moved that the bill with the amendment pending, be laid upon the table to be printed, and made a special order for Wednesday, May 18, at 11:01 o'clock.

On a *viva voce* vote the motion prevailed.

Mr. Horne of Milton, for the Committee on Public Works, to whom was referred House Bill No. 495, An act relating to the appointment of a special consultant to the highway commissioner, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the printed bill by striking out the word "shall" in the fourth line and inserting in place thereof the word, may; further amend by striking out the words and figures "the fiscal year ending June 30, 1950" in the sixth line and inserting in place thereof the words and figures, "a term beginning July 1, 1949 and ending October 9, 1950;" further amend by adding at the end of said section the words, said salary and expenses shall be charges upon the funds of

the Highway Department, so that said section as amended shall read as follows: 1. *Appointment.* A special consultant to the Highway Commissioner, who shall be specially qualified to act as a consultant upon questions of policy affecting the organization and work of the Highway Department, may be appointed and commissioned by the Governor for a term beginning July 1, 1949 and ending October 9, 1950. He shall receive the same salary as the commissioner and shall be reimbursed for his actual expenses incurred in the performance of his duties. Said salary and expenses shall be charged upon the funds of the Highway Department.

The report was accepted.

The question being on the amendment.

Mr. Ingham of Winchester moved that the bill with the amendment pending, be laid upon the table to be printed, and made a special order for Wednesday, May 18, at 11:02 o'clock.

On a *viva voce* vote the motion prevailed.

Mrs. Atkins of Hanover, for the Committee on Public Welfare and State Institutions, to whom was referred House Bill No. 25, (in new draft), An act relative to qualifications for old age assistance, report the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee.

Mr. Velishka of Nashua moved that the words "ought to pass" be substituted for the words "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Velishka of Nashua, Sullivan of Ward 6, Manchester, Pickett of Keene, Wadleigh of Milford and Lea of Pembroke and Mrs. Brungot of Berlin, spoke in favor of the motion.

Mesdames Atkins of Hanover, Forbes of Marlow, and Goodwin of Hollis and Mr. Thibodeau of Wolfeboro, spoke against the motion.

On a *viva voce* vote the motion to substitute prevailed.

Mr. Hart of Wolfeboro asked for a division.

A division being had, 190 members having voted in the affirmative, and 130 members having voted in the negative, the motion to substitute prevailed.

The bill was referred to the Committee on Appropriations, under the rules.

Mr. Myhaver moved that the rules be so far suspended as to allow the Transportation Committee to hold a public hearing on House Bill No. 90, An act amending provisions relative to road use tax on certain out of state vehicles, on Wednesday, May 18, one hour after adjournment.

On a *viva voce* vote the motion prevailed.

### Resolution

Mr. Pickett of Keene offered the following resolution:

*Resolved*, That when the House adjourns today it does so in respect to the memory of our two late colleagues, the member from Orford, Mr. Roberts, and the member from Rye, Mr. Philbrick.

On a *viva voce* vote the resolution was adopted.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 61, An act legalizing school district meeting in the town of Newfields held March 5, 1949.

Senate Bill No. 82, An act relative to Milton Fire District.

Senate Bill No. 87, An act validating certain proceedings of the town of Bristol.

Senate Bill No. 97, An act relative to deposit of city funds in banks.

House Bill No. 98, An act providing for the classification of certain surface waters.

House Bill No. 135, An act pertaining to jail sentences.

House Bill No. 326, An act relating to compensation of election officials of the city of Manchester.

House Bill No. 366, An act relative to motorized bicycles or scooters.

House Bill No. 429, An act relative to unemployment compensation adjustments and refunds.

House Bill No. 459, An act providing for an increase in the amount of weekly compensation under the workmen's compensation law.

House Bill No. 478, An act relative to construction and reconstruction of primary and secondary highways.

The report was adopted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives.

House Bill No. 207, An act relating to investments of savings banks.

The message further announced that the Senate had voted to non-concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives.

House Bill No. 76, An act relative to annual reports of certain county officers.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 325, An act relating to operation of motor vehicles while under the influence of intoxicating liquor.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Operation of Motor Vehicles.* Amend chapter 118 of the Revised Laws by adding thereto the following new section: 16-a. *Evidence of Intoxication.* Upon complaint, information, indictment or trial of any person charged with the violation of section 16, the court may admit

Further amend said section 1 of the bill by striking out the words "sufficiently to lessen his driving ability within the meaning of the statutory definitions of the offenses" in the tenth, eleventh and twelfth lines and in the twenty-second and twenty-third lines and further amend said section 1 by strik-

ing out the words "within the meaning of this act" in the sixteenth and seventeenth lines.

On motion of Mr. Johnson of Northwood the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their titles only.

### Third Readings

House Bill No. 509, An act relating to restricted instruction permit for motor vehicle operators.

Read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 86, An act establishing district departments of health.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Forbes of Marlow at 12:55 o'clock the House adjourned.

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WEDNESDAY, MAY 18, 1949

The House met according to adjournment.

Prayer was offered by Rev. Edward J. Olson, First Baptist Church, Salem Depot, N. H.

Our Father which art in Heaven, we come before Thee in this morning hour, in the name of the Lord Jesus Christ, praying that all that is said and done this day might honor Thy name. Bless those, our Father, who have been called to places of leadership, give them wisdom and understanding to do that which is right and just for our state, "for righteous-

ness exalteth a nation but sin is a reproach to any people." We pray for this our state and its needs, not only temporal but spiritual, that we might turn to Thee and know that "the fear of God is the beginning of wisdom." May God grant us such a fear that we as a state, leaders and people might be found "acknowledging Him in all our ways."

This we ask in the name of Jesus Christ our Saviour. Amen.

### **Leaves of Absence**

Messrs. Martel of Manchester and Stebbins of Webster were granted leave of absence for the day on account of important business.

### **Introduction of Bills**

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Bill No. 517, An act relative to the administration of the unemployment compensation law. To the Committee on Labor.

By the Committee on Rules, House Bill No. 518, An act relative to location and construction of school buildings. To the Committee on Education.

By the Committee on Rules, House Bill No. 519, An act increasing fees paid to the secretary of state for corporation and partnership registrations, licenses, engrossing private acts, election recounts and miscellaneous documents. To the Committee on Ways and Means.

By the Committee on Rules, House Bill No. 520, An act relative to repeal charters of certain corporations. To the Committee on Judiciary.

By the Committee on Rules, House Bill No. 521, An act relative to payment of certain monies received from the treasurer of the United States. To the Committee on Municipal and County Government.

By the Committee on Rules, House Bill No. 522, An act authorizing the Tilton and Northfield Union School District to issue notes for the payment of an operational deficit for the year 1948-1949 and validating procedures of the annual

district meeting on March 9, 1949. To the Committee on Judiciary.

### Committee Reports

Mr. Rathbone of Exeter, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 300, An act relating to obscene literature, pictures and articles, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Obscene Matter.* Amend chapter 441 of the Revised Laws by striking out section 14 and inserting in place thereof the following: 14. *Publications, Possession, etc.* No person shall print, sell, lend, give or show to any other person, nor have in his possession or control with intent to sell, lend, give to, show to, any other person, any obscene or lewd or lascivious thing, object, book, pamphlet, magazine, print or picture and no person shall circulate, display or post any advertisement of any such thing, object, literature or picture or cause it to be done.

2. *Minors.* Amend section 15 of chapter 441 of the Revised Laws by inserting after the word "such" in the second line the words, thing, object, so that said section as amended shall read as follows: 15. *Hiring Minors.* No person shall in any manner hire, employ, or use any minor to sell or give away, or in any manner to distribute any such thing, object, literature, picture, or advertisement.

3. *Duties.* Amend section 16 of chapter 441 of the Revised Laws by inserting after the word "such" where it occurs the second time in the second line the words, object, so that said section as amended shall read as follows: 16. *Duty of Custodians of Minors.* No person having the care or control of a minor child shall permit such child to sell or give away any such thing, object, reading matter or advertisement.

4. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Moffett of Berlin, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 306, An act relative to the control of objectionable literature, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred Senate Bill No. 81, An act relating to separate maintenance, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1. *Pending Divorce Proceedings.* Amend section 14 of chapter 339 of the Revised Laws by striking out the same and inserting in place thereof the following: 14. *Temporary Orders.* After the filing of a libel for divorce, the superior court, or any justice thereof, may restrain either party from imposing any restraint upon the person or liberty of the other, or from entering the tenement wherein the other resides during the pendency of the libel and, during such pendency, may order a temporary allowance to be paid for the support of the other, and may make such orders respecting the custody and maintenance of the minor children of the parties as shall be deemed expedient and for the benefit of the children.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Buntin of Concord, for the Special Committee consisting of the delegation from the city of Concord, to whom was referred House Bill No. 414, An act providing a council-manager plan charter for the city of Concord, having considered the same, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend said bill by striking out Section 20 and inserting in place thereof the following: 20. *Non-interference by the Council.* Neither the council nor any of its members, except



in writing, shall direct or request the appointment of any person to office or employment, or his removal therefrom, by the manager or any of the administrative officers. Neither the council nor any member thereof shall give orders to any of the administrative officers either publicly or privately, but they may make suggestions and recommendations. Any violation of the provisions of this section by a councilman shall be a misdemeanor, a conviction of which shall constitute immediate forfeiture of his office.

Amend section 21 of the bill by striking out said section and inserting in place thereof the following:

21. *Appointive Officers.* There shall be appointed by the manager, three assessors, a city clerk, treasurer, police chief, fire chief, city solicitor, two overseers of the poor, and such other officers as are necessary to administer all departments which the council shall establish, which departments shall replace all existing departments, boards and commissions. The powers and duties of these officers and heads of departments so appointed shall be those prescribed by state law, by this charter or by ordinance.

Amend section 51 of the bill by striking out said section and inserting in place thereof the following:

51. *Notice of Claim.* No action at law or bill in equity for money or damages claimed due shall be sustained against the city unless a notice setting forth the nature and amount, if any, of the claim shall have been delivered or sent by registered mail to the office of the city clerk not less than 60 days prior to the commencement of said action at law or bill in equity.

Amend section 15 by striking out the word "six" in the fourth line and inserting in place thereof the word, eight, so that said section as amended shall read as follows:

15. *Manager.* The chief administrative officer of the city shall be called the manager. The council shall appoint as manager for an indefinite term, and fix the salary of a qualified person who receives the votes of at least eight members of the council. The first council elected under this charter shall appoint a manager within three months after the effective date of this charter.

Amend section 57 of the bill by striking out said section and inserting in place thereof the following:

57. *Referendum.* This act shall be submitted to the registered voters of the city of Concord at the forthcoming municipal primary election to be held on October 11, 1949, and shall be designated as "Plan 2, Council-Manager Plan." It shall appear at the top of the ballot then used at said primary together with "Plan 1, Revised Mayor-Aldermen Plan," as set forth in "An act to Revise the Charter of the city of Concord," and the questions shall appear in bold type. The primary ballot shall be prepared by the city clerk in accordance with the provisions of this section. The qualified voters shall vote primarily on the following question, namely: Shall the present charter of the city of Concord be repealed? And secondarily on the following question, namely: If the present charter of the city of Concord is repealed, shall the new charter be Plan 1, Revised Mayor-Aldermen Plan or Plan 2, Council-Manager Plan? If a majority of those voting on the primary question cast ballots in favor of a repeal of the present charter, the plan receiving the larger number of votes on the secondary question shall be adopted as the charter of the city, but should there be a tie vote on the secondary question, the present charter shall remain in force. If a majority of those voting on the primary question cast ballots opposing repeal of the present charter, it shall remain in force, and the balloting on the secondary question shall be disregarded. A voter may vote on the secondary question who has voted in the negative on the primary question; but if on any ballot the voter shall vote for both Plan 1 and Plan 2, so much of said ballot as refers to the secondary question shall not be counted. The ballots shall contain questions substantially in this form:

(All voters are eligible to vote on both questions)

#### **First Question**

Shall the present charter of the city of Concord be repealed?

(Make a cross (x) opposite and to the right of either the word YES or the word NO, as you prefer).

YES ☐

NO ☐

### Second Question

(Make a cross (x) opposite and to the right of either Plan 1 or Plan 2, as you prefer, but do not vote on both).

If the present charter of the city is repealed, I want the new charter to be as follows:

PLAN 1—Revised Mayor-Aldermen Plan ☐

PLAN 2—Council-Manager Plan ☐

The ballots shall be cast, counted and canvassed as provided in the election ordinances and laws of the city of Concord and state respectively. The mayor and board of aldermen, at a special meeting to be held on the Monday following the primary shall canvass the returns and declare the results, which shall be duly recorded by the city clerk.

Amend section 59 of the bill by striking out the words "special election or a" so that said section as amended shall read as follows:

59. *Takes Effect.* Section 57 of this act shall take effect upon its passage, and if adopted at the referendum provided for in said section the remainder of this act shall take effect as follows:

So much as relates to the preliminaries for and the holding and conduct of the first municipal election shall take effect immediately upon such adoption. For all other purposes this charter shall take effect on the second Monday of January following the first election under this charter.

The report was accepted.

The bill with the amendments pending were laid upon the table to be printed under Rule 46.

Mr. Bunten of Concord, for the Special Committee consisting of the delegation from the city of Concord, to whom was referred House Bill No. 501, An act to revise the charter of the city of Concord, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 18 of said bill by striking out said section and inserting in place thereof the following:

18. *Non-Interference by the Board of Aldermen.* It is the intention of this charter that the board of aldermen shall

act in all matters as a body, and it is contrary to the spirit of this charter for any of its members to seek individually to influence the official acts of the mayor, or of the other officers, or to direct or request, except in writing, the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officers of their duties. The board of aldermen and its members shall deal with the administrative service solely through the mayor and shall not give orders to any subordinate of the mayor either publicly or privately, but they may make suggestions and recommendations. Nothing herein contained shall prevent the board of aldermen from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to such committees such powers of inquiry as the board of aldermen may deem necessary. Any alderman violating the provisions of this section shall upon conviction thereof in a court of competent jurisdiction forfeit his office.

Amend the first paragraph of section 19 by striking out the words "an assessor" and inserting in place thereof the words, three assessors, so that said first paragraph as amended shall read as follows:

19. *Appointive Offices.* The mayor shall appoint a business administrator, a city clerk, a treasurer, three assessors, a fire chief, a health officer, a city solicitor, two overseers of the poor and such other officers as may be necessary to administer all departments which the board of aldermen shall establish.

Amend section 43 of the bill by striking out said section and inserting in place thereof the following:

43. *Notice of Claim.* No action at law or bill in equity for money or damages claimed due shall be sustained against the city unless a notice setting forth the nature and the amount, if any, of the claim, shall have been delivered or sent by registered mail to the office of the city clerk not less than 60 days prior to the commencement of said action at law or bill in equity.

Amend section 47 of the bill by striking out said section and inserting in place thereof the following:

47. *Referendum.* This act shall be submitted to the registered voters of the city of Concord at the forthcoming municipal primary election to be held on October 11, 1949, and shall be designated as "Plan 1, Revised Mayor-Aldermen Plan." It shall appear at the top of the ballot then used at said primary together with "Plan 2, Council-Manager Plan" as set forth in "An act Providing a Council-Manager Plan Charter for the city of Concord," and the questions shall be in bold type. The primary ballot shall be prepared by the city clerk in accordance with the provisions of this section. The qualified voters shall vote primarily on the following question, namely: Shall the present charter of the city of Concord be repealed? And secondarily on the following question, namely: If the present charter of the city of Concord is repealed, shall the new charter be Plan 1, Revised Mayor-Aldermen Plan or Plan 2, Council-Manager Plan? If a majority of those voting on the primary question cast ballots in favor of a repeal of the present charter, the plan receiving the larger number of votes on the secondary question shall be adopted as the charter of the city, but should there be a tie vote on the secondary question, the present charter shall remain in force. If a majority of those voting on the primary question cast ballots opposing repeal of the present charter, it shall remain in force, and the balloting on the secondary question shall be disregarded. A voter may vote on the secondary question who has voted in the negative on the primary question, but if on any ballot the voter shall vote for both Plan 1 and Plan 2, so much of said ballot as refers to the secondary question shall not be counted. The ballots shall contain questions substantially in this form:

(All voters are eligible to vote on both questions)

#### **First Question**

Shall the present charter of the city of Concord be repealed?

(Make cross (x) opposite and to the right of either the word YES or the word NO, as you prefer).

YES ☐

NO ☐

### Second Question

(Make a cross (x) opposite and to the right of either Plan 1 or Plan 2, as you prefer, but do not vote for both).

If the present charter of the city is repealed, I want the new charter to be as follows:

PLAN 1—Revised Mayor-Aldermen Plan ☐

PLAN 2—Council-Manager Plan ☐

The ballots shall be cast, counted and canvassed as provided in the election ordinances and laws of the city of Concord and state, respectively. The mayor and board of aldermen, at a special meeting to be held on the Monday following the primary, shall canvass the returns and declare the results, which shall be duly recorded by the city clerk.

The report was accepted.

The bill with amendments pending was laid upon the table to be printed.

Mr. Bunten of Concord, for the Special Committee consisting of the special delegation from the city of Concord, to whom was referred House Bill No. 99, An act to increase the salaries of the assessors of the city of Concord, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 365, An act to equalize educational opportunities and to improve the educational offerings of the public, elementary and high schools, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by inserting after the word "districts" in the fourth line the words, including cooperative school districts; further amend said section by striking out in the 26th and 28th lines the word "ten" and inserting in place thereof the word, eight; further amend said section by striking out after the word "eligibility" in the 36th line the words "All elements in this section which constitute the formula for determining the state aid which a district may receive may be changed from time to time by the board if, in the opinion of the board, a more equal distribution of aid

may be accomplished thereby. The board shall notify all school districts affected by such a change and no such change shall become effective until the school year after the February first next following the notification of such change" and inserting in place thereof the words, A cooperative school district may receive in any one year twenty per cent more state aid than a district which is not a cooperative school district but which is entitled to the same amount as determined by the above formula, except that the amount which a cooperative district may receive shall not exceed its fully equalized aid; further amend said section by inserting after the word "approved" in the forty-fourth line the word, public; further amend said section by striking out all after the word "appropriations" in the fiftieth line and inserting in place thereof the following:

11. *Exception.* The State Board shall withhold from such general distribution an amount not exceeding 10% of the appropriation for state aid, which shall be used to furnish additional aid to districts where special need exists in maintaining satisfactory elementary and secondary schools as determined by the State Board of Education provided, however, that preference shall be given to those districts having a school tax rate greater than the average school tax rate for the state for the preceding year computed by dividing the local tax assessment for school purposes by the total equalized valuation of the district, so that said section as amended shall read as follows:

2. *Declaration of Policy.* Amend sections 9, 10 and 11 of chapter 140 of the Revised Laws as amended by section 2 of chapter 198 of the Laws of 1947 by striking out said sections and inserting in place thereof the following:

9. *State Aid.* To aid local school districts including cooperative school districts in financial support of schools, the state board shall provide to each district, out of state funds appropriated to carry out the provisions of this title, equalization aid necessary to pay any remaining costs of the required program of elementary and high school education over and above a specified tax rate for school purposes on the equalized valuation of each district, which shall be determined by the board as representing a fair rate of local contribution. For the purposes of this section, the formula to determine the required programs shall be the sum of three

thousand dollars annually for each approved one-room school with an average daily membership of twenty or more pupils or that fraction of three thousand dollars represented by the average daily membership divided by twenty for those approved one room schools with an average daily membership of less than twenty pupils, and for all other approved schools one hundred seventy-five dollars annually per elementary pupil and two hundred twenty-five dollars annually for each high school pupil in average daily membership. Any district which raises a tax for school purposes of less than six dollars per thousand of the district's equalized valuation shall be ineligible to receive any equalization aid. Any district which raises a tax between six dollars per thousand and the rate specified by the board as a fair rate of local contribution shall receive that fraction of the equalization aid to which it would otherwise be entitled which is represented by its tax rate for school purposes divided by the rate specified by the board. A district's aid shall be computed upon the basis of the difference between its foundation program as determined by the above formula and the proceeds of an eight dollar per thousand levy on its equalized valuation or its expenditures for school purposes for the previous fiscal year and the proceeds of an eight dollar per thousand levy on its equalized valuation, whichever sum is lower. No district, other than a co-operative district, which received state aid in the previous year may receive an increase in state aid in any one year which is over twenty per cent of its state aid for the previous year unless it shall have submitted to the commissioner proof of its need for exemption from this limitation which he shall have approved. A district, other than a co-operative district, which receives no state aid in any one year and which subsequently becomes eligible for state aid may receive no more than twenty per cent of its equalized aid in its first year of eligibility. A cooperative school district may receive in any one year twenty per cent more state aid than a district which is not a cooperative school district but which is entitled to the same amount determined by the above formula, except that the amount which a cooperative district may receive shall not exceed its fully equalized aid. Such aid shall be paid to the district legally responsible for the education of the elementary pupils and high school stu-



dents who attend approved public schools within the district or in other districts on the basis of average membership during the preceding year.

10. *Prorating.* If any year the approved claims of the several districts entitled to state aid shall be in excess of the appropriation, an equal percentage reduction in the amount of the allotments shall be made so as to bring the total amount of the grants within the limit of the appropriations.

11. *Exception.* The State Board shall withhold from such general distribution an amount not exceeding 10 per cent of the appropriation for state aid, which shall be used to furnish additional aid to districts where special need exists in maintaining satisfactory elementary and secondary schools as determined by the State Board of Education provided, however, that preference shall be given to those districts having a school tax rate greater than the average school tax rate for the state for the preceding year computed by dividing the local tax assessments for school purposes by the total equalized valuation of the district.

The report was accepted.

The question being on the amendment.

Mr. Fuller of Hanover moved that the bill, with the amendment pending, be recommitted to the Committee on Education.

On a *viva voce* vote the motion prevailed.

### **Taken from Table**

On motion of Mr. Ferguson, House Bill No. 486 was taken from the table.

On motion of the same member, House Bill No. 486 was recommitted to the Committee on Education.

### **Special Orders**

Mr. Ingham of Winchester called for the special order, it being House Bill No. 496.

The question being on the amendments as printed in the Journal of May 17, on page 12.

(Discussion ensued)

Messrs. Sullivan of Ward 6, Manchester, Ingham of Winchester, Johnson of Northwood, Baron of Claremont, Spauld-

ing of Hudson, Rowell of Newport, Scammon of Stratham, Myhaver of Peterborough, Sanborn of Wakefield and Hepworth of Derry spoke in favor of the amendment.

Mrs. Mason of Berlin and Mrs. Dondero of Portsmouth and Mr. Lea of Pembroke spoke against the amendment.

Mr. Turner of Keene moved the previous question, the question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment.

On a *viva voce* vote the amendments were adopted, and the bill ordered to a third reading.

Mr. Ingham of Winchester called for the special order, it being House Bill No. 495.

The question being on the amendments as printed in the Journal of May 17, on pages 10 and 11.

On a *viva voce* vote the amendments were adopted, and the bill ordered to a third reading.

### Resolutions

Mr. Wadleigh of Milford offered the following resolution:

*Whereas*, Thursday, May 19th is the 57th wedding anniversary of Dr. George H. Nash, representative from Concord for several sessions and dean of the House of Representatives, therefore be it

*Resolved*, That we extend to our fellow member and Mrs. Nash our congratulations and best wishes on the happy occasion and may they have many more years of happy married life, and be it further

*Resolved*, That the Clerk transmit a copy of these resolutions to Representative and Mrs. Nash.

On a *viva voce* vote the resolution was adopted.

Mr. Andrews of Richmond offered the following resolution:

*Whereas*, Albert Hardy, Representative from Boscawen, is in the hospital, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend our greetings to our fellow member with our best wishes for his speedy return to health, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Representative Hardy.

On a *viva voce* vote the resolution was adopted.

### **Engrossed Bills Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 36, An act relating to registration of foreign corporations.

House Bill No. 206, An act relating to insurers not authorized to transact business in this state.

The report was accepted.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill and joint resolution:

Senate Joint Resolution No. 11, Joint resolution concerning a bridge in the town of Warner.

House Bill No. 460, An act relative to notice required by insurance carriers in certain cases relating to workmen's compensation.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 343, An act to provide for the registration of trademarks, labels, brands, designs, devices, symbols, and forms of advertisement.

House Bill No. 356, An act to legalize the town meeting of Lisbon.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 94, An act relating to beano.

Senate Bill No. 105, An act relative to the state racing commission and rules and regulations of said commission.

Senate Bill No. 109, An act providing for regulations of open air motion picture theaters.

Senate Bill No. 112, An act relating to damage under the death statutes.

Senate Bill No. 116, An act relative to storage of crude petroleum.

Senate Bill No. 120, An act relating to reports by registers of deeds.

### Senate Bills Read and Referred

Senate Bill No. 94, An act relating to beano.

Read a first and second time, and referred to the Committee on Public Welfare and State Institutions.

Senate Bill No. 105, An act relative to the state racing commission and rules and regulations of said commission.

Senate Bill No. 116, An act relative to storage of crude petroleum.

Severally read a first and second time, and referred to the Committee on Executive Departments and Administration.

Senate Bill No. 109, An act providing for regulations of open air motion picture theaters.

Senate Bill No. 120, An act relating to reports by registers of deeds.

Severally read a first and second time, and referred to the Committee on Municipal and County Government.

Senate Bill No. 112, An act relating to damage under the death statutes.

Read a first and second time, and referred to the Committee on Judiciary.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their titles only.

### Third Readings

House Bill No. 99, An act to increase the salaries of the assessors of the city of Concord.

House Bill No. 300, An act relating to obscene literature, pictures and articles.

Severally read a third time and passed, and sent to the Senate for concurrence.

House Bill No. 495, An act relating to the appointment of a special consultant to the highway commissioner.

House Bill No. 496, An act relating to the appointment of assistant highway commissioner and a chief engineer.

Severally read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Scammon of Stratham moved that the House reconsider its vote whereby it passed House Bills Nos. 495 and 496.

On a *viva voce* vote the motion to reconsider did not prevail.

Senate Bill No. 81, An act relating to separate maintenance.

Read a third time and passed, and sent to the Senate for concurrence in the amendment.

On motion of Mr. Parker of Farmington at 12:20 o'clock the House adjourned.

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THURSDAY, MAY 19, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty God, the Creator and Father of all men, we lift up our prayers to Thee for the Nations of the World. Overrule by Thy Almighty power the forces of tyranny and aggression, and uphold, we beseech Thee, those who are struggling for the maintenance of justice and human liberty in all the world. Bless our own land with good government, sound learning, and justice for all. Endue with the spirit of

wisdom those to whom in thy Name, we entrust the authority of government, and suffer not our trust in Thee to fail; all which we ask through Jesus Christ our Lord. Amen.

### Leave of Absence

Mr. Sommers of Holderness was granted leave of absence for the day on account of important business.

### Committee Reports

Mr. Doonan of Greenville, for the Committee on Banks, to whom was referred Senate Bill No. 98, An act relating to the Loan and Trust Savings Bank, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred Senate Bill No. 103, An act relative to adjustments to taxpayers in the town school district of Bath, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 77, An act relative to legal length of brook trout, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 95, An act relative to fishing in Cold Spring Pond, Allenstown, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Brungot of Berlin, for the Committee on Judiciary, to whom was referred Senate Bill No. 96, An act relative to allowances to widow from deceased husband's estate, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Foote of Portsmouth, for the Committee on Liquor Laws, to whom was referred Senate Bill No. 67, An act relating to manufacturer's permits, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Corliss of Manchester, for the Committee on Public Welfare and State Institutions, to whom was referred Senate Bill No. 102, An act licensing child placing and child caring agencies, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Green of Rollinsford, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 92, An act to increase the borrowing power of the town of Pembroke, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Sawyer of Manchester, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 104, An act ratifying certain action taken by the school district of Pelham, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Studley of Rochester, for the Committee on Public Health, to whom was referred House Bill No. 476, An act providing for the classification of certain surface waters, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 1 the following new section to read as follows:

2. *Amendment.* Amend chapter 166-A of the Revised Laws as inserted by chapter 183, Laws of 1947, by inserting after section 4 the following new section 4-a. *State Guarantee.* In view of the general public benefits resulting from the elim-

ination of pollution from the public waters of the state, the governor and council are authorized in the name of the state of New Hampshire to guarantee unconditionally the payment of all or any portion, as they may find to be in the public interest, and at no time in excess of the total aggregate sum of five million dollars (\$5,000,000), of the principal of and interest on any bonds or notes issued by any municipality, town, city, county, or district for construction of sewage systems, sewage treatment and disposal plants, or other facilities necessary, required or desirable for pollution control, and the full faith and credit of the state are pledged for any such guarantee. The state's guarantee shall be endorsed on such bonds or notes by the state treasurer; and all notes or bonds issued with state guarantee shall be sold (1) at public sealed bidding, (2) after publication of advertisement for bids (3) to the highest bidder. Any and all such bids may be rejected and a sale may be negotiated with the highest bidder. In the event of default in payment of any such notes or bonds, the state may recover any losses suffered by it by action against the town as provided in chapter 402 of the Revised Laws.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed under Rule 46.

Mr. Baron of Claremont, for the Committee on Public Works, to whom was referred Senate Bill No. 72, An act relating to winter maintenance of highways, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Myhaver of Peterborough, for the Committee on Transportation, to whom was referred Senate Bill No. 101, An act pertaining to conduct of operator of motor vehicle after accident, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Rhodes of Walpole, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 93, An act relating to the municipal budget law and the



duties of official thereunder, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Johnson of Northwood moved that Senate Bill No. 93 be laid upon the table and made a special order for Wednesday, May 25 at 11:01 o'clock.

The question being on the motion of Mr. Johnson.

(Discussion ensued)

Mr. Johnson of Northwood spoke in favor of the motion. On a *viva voce* vote the motion prevailed.

### **Taken from the Table**

House Bill No. 414, An act providing a council-manager plan charter for the city of Concord, was taken from the table.

The question being on the amendments as printed in the Journal of May 18 on pages 6-7-8 and 9.

On a *viva voce* vote the amendments were adopted, and the bill ordered to a third reading.

House Bill No. 501, An act to revise the charter of the city of Concord.

The question being on the amendments as printed in the Journal on May 18 on pages 9-10-11 and 12.

On a *viva voce* vote the amendments were adopted, and the bill ordered to a third reading.

House Bill No. 505 (in new draft), An act to regulate the speed of motor vehicles on public highways.

On motion of Mr. Myhaver of Peterborough, House Bill No. 505 (in new draft) was recommitted to the Committee on Transportation.

### **Engrossed Bills Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Joint Resolution No. 11, Joint resolution concerning a bridge in the town of Warner.

Senate Bill No. 86, An act establishing district departments of health.

House Bill No. 325, An act relating to operation of motor vehicles while under the influence of intoxicating liquor.

House Bill No. 356, An act to legalize the town meeting of Lisbon.

House Bill No. 460, An act relative to notices required by insurance carriers in certain cases relating to workmen's compensation.

The report was accepted.\*

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and a joint resolution sent up from the House of Representatives:

House Bill No. 105, An act relating to the taking of beaver.

House Bill No. 139, An act relating to interest on small loans.

House Bill No. 488, An act to revise the charter of the city of Claremont.

House Joint Resolution No. 33, Joint resolution in favor of the estate of Ross L. Piper.

The message further announced that the Senate had voted to non-concur with the House of Representatives in the passage of the following entitled joint resolution sent up from the House of Representatives.

House Joint Resolution No. 7, Joint resolution relative to Phineas J. Poor estate.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 107, An act relating to shooting human beings while hunting.

Amend the bill by striking out the whole of section 1 and substituting in place thereof the following:

1. *Shooting.* Amend section 35 of chapter 241 of the Revised Laws as amended by chapter 63 of the Laws of 1945 by striking out said section and inserting in place thereof the following: 35. *Shooting Human Beings.* Any person who shall shoot at a human being in mistake for game while hunting and through such shooting shall wound or kill such human being may be fined not more than five hundred dollars or imprisoned not more than twelve months, or both and in addition thereto his license shall be revoked. At the discretion of the director and the commission his license may be returned or a special license for fishing only may be issued to said person upon payment of the same fee as for a hunting and fishing license.

Amend chapter 241 of the Revised Laws as amended by chapter 63 of the Laws of 1945 by inserting a new section as follows:

35a. *Abandoning a Wounded or Killed Human Being.* Any person who shall have shot or killed a human being in mistake for game shall forthwith render necessary assistance to the injured person and report immediately to the nearest law enforcement officer. Upon conviction of violation of the provisions of this section the guilty person shall be fined not more than two thousand dollars or imprisoned not more than five years or both, and his hunting and fishing license shall be revoked for life. The penalty for conviction under this section shall be in addition to any penalty imposed under section 35.

On motion of Mr. Dusik of Lyman the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 114, An act relative to retirement benefits under the firemen's retirement system.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following

1. *Firemen.* Amend section 15 of chapter 220 of the Revised Laws by striking out the same and inserting in place thereof the following: 15. *Retirement Benefits.* Any permanent fireman who retires or is dismissed from active

service as provided in section 13, and who shall have complied with all provisions of this chapter and with the rules and regulations of the board, shall be entitled to receive from said board for each year during the remainder of his natural life retirement benefits based upon his average final salary, as defined hereinafter, at the rates in the following table:

Age at Retirement	Retirement Benefit (per cent of average final salary)
60	36.7
61	39.0
62	41.5
63	44.1
64	46.9
65 and over	50.0

The "average final salary" shall mean the average annual earnable compensation of a member during his last five years of service prior to the date of retirement or dismissal, as determined by the board, provided that said average final salary shall in no case exceed two thousand five hundred dollars, except as hereinafter provided, which amount shall be the maximum assessable annual salary. Provided, that the maximum assessable annual salary shall not apply to those members who, as of the date when this section becomes effective, earned a yearly salary above two thousand five hundred dollars and were applicants to the chapter at that time; their retirement benefits shall be based as above upon one-half their total salary earned during the last five years of service to the date of their retirement. The retirement benefits shall be paid to the retired member on the first business day of each calendar month in as nearly equal monthly installments as possible. No permanent fireman who has retired under the provisions of this chapter shall be paid for any service performed in the fire department during the time of his retirement unless it be for specific duty during a period of public emergency. The board shall have the right to further modify the actuarial table of rates of retirement benefits accruing to members retiring on account of age, between the ages of 60 to 64 inclusive, based upon periodic actuarial valuations of the retirement system made every third year beginning July 1, 1949.

Further amend said bill by inserting after section 1 the following new section:

2. *Change in Age.* Amend section 13 of chapter 220 of the Revised Laws by striking out the word "sixty-five" where it occurs and inserting in place thereof the word, sixty, so that said section as amended shall read as follows: 13. *Retirement.* No voluntary retirements hereunder may take place before July 1, 1942. Any permanent fireman who accepts the provisions hereof may retire from active service at the age of sixty provided he has served as a permanent fireman for a period of twenty years. All permanent firemen who accept the provisions hereof and who have served as permanent firemen for twenty years shall retire from active service at the age of seventy. Upon the recommendation of his chief and the recommendation of the association that any permanent fireman, who has accepted this chapter, is capable of further rendering satisfactory service, the retirement board may extend the age of compulsory retirement for such fireman for five years. Any permanent fireman accepting the provisions hereof and having served for twenty years who shall be dismissed from service after having reached the age of sixty shall be entitled to the benefits of this chapter. Upon retirement a permanent fireman shall no longer be obligated to pay assessments to the retirement fund. Call firemen who become permanent firemen may have one-half of their term of service as call firemen counted as part of their term of service as permanent firemen, provided that the five years immediately preceding retirement shall have been permanent service. The probationary periods of permanent firemen shall be counted as part of their term of service,

Further amend said bill by renumbering sections 2 and 3 to read sections 3 and 4, respectively.

The amendments were laid upon the table to be printed in the Journal.

House Bill No. 360, An act relating to certain tax exemptions of citizens who fought with allies of the United States.

Amend the bill by striking out all after the enacting clause and substituting in place thereof the following:

1. *Poll Taxes.* Amend section 1 of chapter 73 of the Revised Laws as amended by chapter 5 of the Laws of 1944

by striking out all of said section and inserting in place thereof the following: 1. *Persons Liable*. A poll tax of two dollars shall be assessed on every inhabitant of the state from twenty-one to seventy years of age, whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any person who was a veteran of forces allied with the United States as defined by section 29-c, chapter 73 of the Revised Laws as inserted by chapter 240 of the Laws of 1947 and others exempt by special provisions of law.

2. *Exemptions*. Amend section 2 of said chapter 73 as amended by section 1 of chapter 173 of the Laws of 1943 by striking out all of said section 1 and inserting in place thereof the following: 2. *Veterans Exemption*. Any veteran of any war in which the United States has been engaged and any veteran of the armed forces of the governments allied with the United States as defined by section 29-c of this chapter, who shall present to the selectmen or assessors of the town in which he lives, for inspection and record, his pension certificate awarding to him an invalid pension of any amount, or a discharge other than dishonorable from such wars, shall thereafter be exempt from the levy of a poll tax.

3. *Repeal*. Section 4 of said chapter 73 as amended by section 2, chapter 173, Laws of 1943, relative to disability exemption, is hereby repealed.

4. *Veterans of Allied Forces*. Amend section 29-c of said Chapter 73, as inserted by chapter 240 of the Laws of 1947, by inserting after the word "who" in the third line the words, being a citizen of the United States, or; so that said section as amended shall read as follows:

29-c: *Veterans of Allied Forces*. Any person otherwise entitled under the provisions of sections 29, 29-a or 29-b of this chapter who being a citizen of the United States or being a resident of New Hampshire at the time of his entry therein, served on active duty in the armed forces of any of the governments associated with the United States in the wars set forth in section 29 shall be entitled to the exemption authorized by said section.

5. *Takes Effect*. This act shall take effect upon its passage.

The amendments were laid upon the table to be printed in the Journal.

The message further announced that the Senate had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 207, An act relating to investments of savings banks.

Amend section 4 of said bill by striking out the first five lines and inserting in place thereof the following:

4. *Limitations.* Amend section 13 of chapter 310 of the Revised Laws by striking out the word and figure "and XIII" and inserting in place thereof the word and figures, XIII, XV, XVI, and XVII, and further amend said section by striking out the word and figure "paragraph XIV" and inserting in place thereof the words and figures, paragraphs XIV and XVIII, so that said section as amended shall read as follows:

On motion of Mr. Doonan of Greenville the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed the following joint resolution, in the passage of which it asked the concurrence of the House of Representatives.

Senate Joint Resolution No. 8, Joint resolution in favor of Samuel Jovin.

### **Senate Joint Resolution Read and Referred**

Senate Joint Resolution No. 8, Joint resolution in favor of Samuel Jovin.

Read a first and second time and referred to the Committee on Appropriations.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their titles only, and when the House adjourns today it adjourns to meet Tuesday morning at 11:00 o'clock.

**Third Readings**

House Bill No. 414, An act providing a council-manager plan charter for the city of Concord.

House Bill No. 501, An act to revise the charter of the city of Concord.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 67, An act relating to manufacturer's permits.

Senate Bill No. 72, An act relating to winter maintenance of highways.

Senate Bill No. 92, An act increasing the borrowing power of the town of Pembroke.

Senate Bill No. 96, An act relative to allowances to widow from deceased husband's estate.

Senate Bill No. 98, An act relating to the loan and trust savings banks.

Senate Bill No. 102, An act licensing child placing and child caring agencies.

Senate Bill No. 103, An act relative to adjustments to taxpayers in the town school district of Bath.

Senate Bill No. 104, An act ratifying certain action taken by the school district of Pelham.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Lea of Pembroke at 11:40 o'clock the House adjourned.

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**TUESDAY, MAY 24, 1949**

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty God, our Heavenly Father, as we come together again for work in this legislative body, we beseech Thee to bless our state. Grant that our ideals and aspirations may be



in accordance with Thy will, and help us not only to see ourselves as others see us but as Thou dost see us. Grant us sound government, just laws, good education, simplicity and justice in our relations with one another, and above all, a spirit of service which will abolish pride of place and inequality of opportunity; through Jesus Christ our Lord. Amen.

### Leaves of Absence

Mr. Smith of New Hampton was granted leave of absence for the day on account of important business.

Mr. Kane of Manchester was granted leave of absence for the week on account of death in the family.

Mr. Persson of Candia was granted leave of absence for the week on account of important business.

Mr. Wilson of Antrim was granted leave of absence for the day on account of illness.

Mr. Miller of Fitzwilliam was granted leave of absence for the week on account of illness.

### Committee Reports

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred House Bill No. 443, An act relative to licensing itinerant photographers. reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Myhaver of Peterborough, for the Committee on Transportation, to whom was referred House Bill No. 90, (in new draft and with new title), An act amending provisions relative to road use tax on certain out of state vehicles, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill in its new draft and title ordered to a third reading.

### Taken from the Table

House Bill No. 114 was taken from the table.

The question being on the Senate amendment as printed in Thursday's Journal, May 19, on pages 9, 10, 11.

On motion of Mr. Johnson of Northwood the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 360 was taken from the table.

The question being on the Senate amendments as printed in Thursday's Journal, May 19, on pages 11 and 12.

On motion of Mr. Ashley of Lebanon the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 476 was taken from the table.

The question being on the amendments as printed in Thursday's Journal on pages 5 and 6.

On a *viva voce* vote the amendments were adopted.

Mr. Kimball of Jefferson offered the following amendment.

Amend said bill, as already amended, by inserting after Section 1 the following new section:

2. *Period for Compliance.* Any order for abatement of pollution in the streams mentioned in Section 1 of this bill shall be deemed to be complied with if the pollution is abated in a period of seven years from the date of order, anything to the contrary in Paragraph II of Section 7, Chapter 166-A of the Revised Laws notwithstanding.

Further amend said bill by re-numbering the ensuing sections in their numerical sequence.

The question being on the amendment.

(Discussion ensued)

Messrs. Kimball of Jefferson, Bellrose of Pembroke, and Zimmerman of Keene, spoke in favor of the amendment.

Messrs. Spalding of Hudson and Turner spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Kimball of Jefferson asked for a division.

A division being had, 73 members having voted in the affirmative, and 199 members having voted in the negative, the amendment was not adopted.

The bill was ordered to a third reading.

### Reconsiderations

Mr. Pickett of Keene served notice that on today or some subsequent day he would move to reconsider the vote whereby the House voted as inexpedient to legislate, House Bill No. 101, An act pertaining to conduct of operator of motor vehicle after accident.

Mr. Ashley of Lebanon served notice that on today or some subsequent day he would move to reconsider the vote whereby the House adopted the Senate amendment on House Bill No. 360, An act relating to certain tax exemptions of citizens who fought with allies of the United States.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Joint Resolution No. 33, Joint resolution in favor of the estate of Ross L. Piper.

Senate Bill No. 67, An act relating to manufacturer's permits.

Senate Bill No. 72, An act relating to winter maintenance of highways.

Senate Bill No. 92, An act to increase the borrowing power of the town of Pembroke.

Senate Bill No. 96, An act relative to allowance to widow from deceased husband's estate.

Senate Bill No. 98, An act relating to the Loan and Trust Savings Bank.

Senate Bill No. 103, An act relative to adjustments to taxpayers in the town school district in Bath.

Senate Bill No. 104, An act ratifying action taken by the school district of Pelham.

House Bill No. 105, An act relating to the taking of beaver.

House Bill No. 139, An act providing for annual reports by small loan licensees.

House Bill No. 207, An act relating to investments of savings banks.

House Bill No. 343, An act to provide for the registration of trade-marks, labels, brands, designs, devices, symbols and forms of advertisements.

House Bill No. 442, An act relative to allotments of funds to towns for the maintenance of classified highways.

House Bill No. 503, An act legalizing the school district meeting held March 8, 1949 in Harrisville.

House Bill No. 504, An act relative to aliens.

House Bill No. 507, An act relative to motor vehicles traveling in line.

House Bill No. 508, An act defining the rights of pedestrians at cross walks.

House Bill No. 510, An act relative to exemptions from jury service for members of the general court, and delegates to a constitutional convention.

The report was accepted.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 107, An act relating to shooting human beings while hunting, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the eleventh and twelfth lines and inserting in place thereof the following:

2. *Additional Penalties.* Amend chapter 241 of the Revised Laws by inserting after section 35 as hereinbefore amended the following new section: 35-a. *Abandoning a*

Further amend said bill by renumbering section 2 to read section 3.

On motion of Mr. Dusik of Lyman the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

Senate Bill No. 81, An act relating to separate maintenance.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 503, An act legalizing the school district meeting held March 8th, 1949 in Harrisville.

House Bill No. 504, An act relative to aliens.

House Bill No. 506, An act relating to turning movements by motor vehicles on public highways.

House Bill No. 507, An act relative to motor vehicles traveling in line.

House Bill No. 508, An act defining the rights of pedestrians at cross walks.

House Bill No. 510, An act relative to exemptions from jury service for members of the General Court and delegates to a Constitutional Convention.

House Bill No. 361, An act relative to fees for special permits to move objects or vehicles and loads.

House Bill No. 442, An act relative to allotment of funds to towns for maintenance of classified highways.

House Bill No. 466, An act relative to legal length of motor busses.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 473, An act relating to appeals in municipal zoning matters.

Amend section 65-c as inserted by section 2 of the bill by striking out the word "clear" in line 9, so that said section as amended shall read as follows:

65-c. *Burden of Proof.* Upon the hearing the burden of proof shall be upon the party seeking to set aside any order or decision of the board of adjustment or legislative body of such municipality to show that the same is clearly unreasonable or unlawful, and all findings of the board of adjustment or legislative body of such municipality upon all questions of fact properly before it shall be deemed to be *prima facie* lawful and reasonable; and the order or decision appealed from shall not be set aside or vacated except for errors of law, unless the court is satisfied, by a preponderance of the evidence before it, that such order is unjust or unreasonable.

The question being on the Senate amendment.

Mr. Turner of Keene moved that the House non-concur and a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed, and the Speaker appointed as members on such committee on part of the House Messrs. Laraba of Portsmouth, Turner of Keene and Sawyer of Concord.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 113, An act relative to free fishing licenses to persons over seventy years of age.

Senate Bill No. 114, An act relative to fishing and hunting licenses.

Senate Bill No. 117, An act relating to notice by administrators to parties in pending actions.

Senate Bill No. 118, An act defining "highway building equipment" under the motor vehicle laws.

Senate Bill No. 121, An act relating to assistant pharmacists.

Senate Bill No. 126, An act relative to grading, packing, shipping and sale of apples.

### Senate Bills Read and Referred

Senate Bill No. 113, An act relative to free fishing licenses to persons over seventy years of age.

Senate Bill No. 114, An act relative to fishing and hunting licenses.

Severally read a first and second time, and referred to the Committee on Fisheries and Game.

Senate Bill No. 117, An act relating to notice by administrators to parties in pending actions.

Read a first and second times, and referred to the Committee on Judiciary.

Senate Bill No. 118, An act defining "highway building equipment" under the motor vehicle laws.

Read a first and second time, and referred to the Committee on Transportation.

Senate Bill No. 121, An act relating to assistant pharmacists.

Read a first and second time, and referred to the Committee on Public Health.

Senate Bill No. 126, An act relative to grading, packing, shipping and sale of apples.

Read a first and second time, and referred to the Committee on Agriculture.

### Resolution

Mrs. Read of Plainfield offered the following resolution:

*Whereas*, we have learned with sorrow of the death of John M. Tewksbury, Representative from the town of Cornish, therefore be it

*Resolved*, That we, the members of the House of Representatives, mourn the passing of our fellow member and extend our heartfelt sympathy to his family in its bereavement, and be it further

*Resolved*, That we pay tribute to our fellow member for his faithful public service to his town and state, and be it further

*Resolved*, That we extend our heartfelt sympathy to his family in its bereavement; that the Speaker designate a delegation to attend the funeral services, and the Clerk be instructed to procure a floral tribute, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to the bereaved family.

GEORGE W. ANGUS  
JESSE R. ROWELL  
GEORGE A. HOLMES  
WM. F. BISSONETT  
WM. R. WHITE  
MAURICE H. CUMMINGS  
LENA A. READ  
SYDNEY B. CONVERSE  
DAVID E. WILLIAMSON  
EDITH B. GARDNER  
LELAND L. RILEY  
GEORGE S. CALLUM  
M. J. DOWNING  
F. M. FARMER  
WM. P. BARON

*Committee on Resolution.*

The resolution was unanimously adopted by a rising vote.

The Speaker appointed the above named members as a delegation to attend the funeral.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their titles only.

### Third Readings

House Bill No. 90 (in new draft and with new title), An act amending provisions relative to road use tax on certain out of state vehicles.

House Bill No. 476, An act providing for the classification of certain surface waters.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Dusik of Lyman at 11:45 o'clock the House adjourned.



WEDNESDAY, MAY 25, 1949

The House met according to adjournment.

Prayer was offered by Rev. James T. Dodge of Center Barnstead, retired Episcopal clergyman.

Almighty God, we thank Thee that in the press and rush of life's activities we may pause for a moment, enter the holy of holies and commune with Thee. It is not what we pray for, since Thou knowest our needs better than we know them. It is the touch of Thy Spirit upon our spirit which exalts, ennobles and purifies, fitting us for the duties we have to perform. So touch us with Thy Spirit, so guide us that our work may be efficient and well-pleasing in Thy sight.

Let Thy benediction, we pray Thee, rest upon our land and upon all the inhabitants thereof; especially do we pray that Thy blessing rest upon this House of Representatives as its members plan for the present and future betterment of the people.

Let the power of Thy Spirit be with us as a country, that we may ever stand before the nations of the earth as the exponent of things that are right and pure and good.

We ask these things in our imperfect way in the name of Jesus Christ our Lord. Amen.

### **Committee Hearing**

On motion of Mr. Atherton of Nashua the rules were suspended to allow the Committee on Appropriations to hold hearings this afternoon on House Joint Resolution No. 13 and Senate Joint Resolutions Nos. 13 and 17 and House Bill No. 228.

### **Introduction of Bills**

The following bills were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Bill No. 523, An act relative to reciprocity in the practice of chiropody. To the Committee on Public Health.

By the Committee on Rules, House Bill No. 524, An act relative to the salaries of the commissioners of Rockingham

county. To the Special Committee composed of the members of the Rockingham Delegation.

On motion of Mr. Corson of Derry the rules were suspended and printing and reference of House Bill No. 524 was dispensed with.

On motion of the same member the rules were further suspended and the bill was put upon its third reading and final passage at the present time.

The bill was read a third time and passed and sent to the Senate for concurrence.

### Committee Reports

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 517, An act relative to the administration of the unemployment compensation law, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 275, An act relative to non-resident fish and game licenses, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Nonresident Fishing Licenses.* Amend paragraph IV of section 6 of chapter 247 of the Revised Laws as amended by section 3 of chapter 217 of the Laws of 1947 by striking out the words "one dollar" in the seventh line and inserting in place thereof the words, two dollars, so that said paragraph as amended shall read as follows: IV. If the applicant is a non-resident and wishes to take fresh water fish or salt water smelt only, five dollars, and the agent shall thereupon issue a non-resident fishing license which shall entitle the licensee to kill, take and transport fresh water fish and salt water smelt under the restrictions of this title, provided that if said applicant wishes to take said fish or smelt for three consecutive days, two dollars and fifty cents, and the agent shall there-

upon issue a non-resident fishing license for said time only, under the restrictions of this title.

2. *Takes Effect.* This act shall take effect as of January 1, 1950.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 278, An act relating to the taking of striped bass, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 1 the following new sections:

2. *Striped Bass.* Amend chapter 245 of the Revised Laws by inserting after section 59-a as hereinbefore amended the following new section: 59-b. *Bag Limit.* No person shall take more than six striped bass or more than thirty-five pounds in weight in any one day, provided that if he has taken less than thirty-five pounds he may take one more fish.

3. *Oysters.* Amend chapter 245 of the Revised Laws by inserting after section 61 the following new section: 61-a. *Sale Prohibited.* No person shall at any time sell or take for sale oysters from Great Bay or its tributaries, Little Bay or Durham River, or from the Piscataqua River.

Further amend said bill by renumbering section 2 to read section 4.

Amend the title of said bill by adding at the end thereof the words: and prohibiting the sale of oysters from certain waters, so that said title as amended shall read as follows:

An act relating to the taking of striped bass and prohibiting the sale of oysters from certain waters.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Fecteau of Epping, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 105, An act relative to the state racing commission and rules and regulations of said commission, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Carter of North Hampton, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 116, An act relative to crude petroleum, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Pickett of Keene, for the Committee on Judiciary, to whom was referred House Bill No. 522, An act authorizing the Tilton and Northfield Union School District to issue notes for the payment of an operational deficit for the year 1948-1949 and validating proceedings of the annual district meeting of March 9, 1949, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by adding after the word "year" in line 5 the words, section 5 of said chapter 72 or, so that said section as amended shall read as follows:

1. *Authorization.* The Tilton and Northfield Union School District is hereby authorized to issue serial notes in an amount not exceeding eleven thousand dollars, in the manner provided by Chapter 72 of the Revised Laws and amendments thereto, for the purpose of paying an estimated operational deficit for the 1948-1949 school year, section 5 of said chapter 72 or any other provisions of law to the contrary, notwithstanding.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

### Special Order

Mr. Johnson of Northwood called for the special order, it being, Senate Bill No. 93, An act relating to the municipal budget law and the duties of officials thereunder.

The question being on the report of the committee, ought to pass.

On a *viva voce* vote the bill was ordered to a third reading.

### Reconsiderations

Mr. Yerxa of Sutton moved that the House reconsider the vote whereby it voted as inexpedient to legislate, House Bill No. 368.

On a *viva voce* vote the motion to reconsider prevailed.

Mr. Clough of Haverhill moved that House Bill No. 368 be recommitted to the Committee on Municipal and County Government.

On a *viva voce* vote the bill was recommitted.

Mr. Pickett of Keene moved that the House reconsider the vote whereby it voted as inexpedient to legislate, Senate Bill No. 101.

The question being on the motion to reconsider.

(Discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.

Mr. Myhaver of Peterborough spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Pickett of Keene asked for a division.

A division being had, 143 members having voted in the affirmative and 129 members having voted in the negative, the motion to reconsider prevailed.

On motion of Mr. Pickett of Keene the bill was recommitted to the Committee on Transportation.

Mr. Eldridge of Exeter moved that the House reconsider the vote whereby it ordered Senate Bill No. 105 to a third reading and the bill be laid upon the table and made a special order for Tuesday, May 31, at 11:01 o'clock.

The question being on the motion.

(Discussion ensued)

On a *viva voce* vote the motion did not prevail.

On motion of Mr. Crandall of Dover the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Crandall of Dover, for the Special Committee consisting of the delegation from the city of Dover, to whom was referred House Bill No. 373, An act relative to the charter of the city of Dover, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Referendum.* A special election shall be held in the city of Dover on Tuesday, October 4, 1949, for the purpose of determining whether the present charter of the city of Dover shall be rescinded. The city clerk shall have printed on official ballots the following question: "Shall the city abolish the present city manager form of government and adopt an act entitled 'An act relative to the city charter of Dover' as provided in the laws of 1949?" Beside this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each said word, in which the voter may indicate his choice. The referendum relative to the rescission of this charter shall be conducted in the same manner as regular municipal elections. If a majority of those voting on this question vote in the affirmative on this question, the present charter shall be declared to have been rescinded; such rescission shall become effective on the first Wednesday of January, 1950, and on that date, January 4, 1950, the terms of office of councilmen, school committee, and mayor elected under the provisions of said rescinded charter shall terminate and on the same date the office of city manager shall terminate; the terms of office of all officers, trustees and commissioners elected or appointed by the city council, mayor, or city manager under chapter 385, Laws of 1949, shall terminate on January 4, 1950 provided however, that such officers shall continue in office until their respective successors have been duly elected, or appointed, and qualified. If the present charter is not rescinded at said special election, said question shall again be voted on at any regular municipal election during the ten years immediately following the passage of this act if at least three per cent of the number voting at the last previous municipal election, all qualified voters of the city, shall sign a petition requesting such vote, said petition to be submitted to the city clerk at least thirty days prior to said election; and if a majority of those voting on this question vote in the affirmative the present charter shall be declared to have been rescinded; such rescission shall become effective on the first Wednesday of January next following such vote, and on that date the terms of office of councilmen, school committee, and mayor elected under the provisions of said rescinded charter

shall terminate and on the same date the office of city manager shall terminate. The terms of office of all officers, trustees and commissioners elected or appointed by the city council, mayor or city manager under chapter 385, Laws of 1947, shall terminate on the first Wednesday of January next following such vote, provided however, that such officers shall continue in office until their respective successors have been duly elected, or appointed, and qualified.

2. *New Charter.* If the present city charter is rescinded at the special election provided in section 1, the regular election shall be held on the first Tuesday of November, 1949; and if the present city charter is rescinded at a regular municipal election as provided in section 1, then a special election shall be held on the first Tuesday of December next following; in either event the city of Dover shall be governed by the provisions of the following charter, and the elections provided in this section shall be in accordance therewith.

### I. City Established

1. *Incorporation.* The inhabitants of the city of Dover shall continue to be a body politic and corporate under the name of the "City of Dover," and as such shall enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the city shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it, under this revised charter.

2. *Wards.* The city shall continue to be divided into five wards as at presnt constituted, and except as herein otherwise provided, the general laws relative to wards of cities, officers thereof, and voters, check-lists, elections, and jurors therein shall be applicable to such wards.

3. *Conduct of Elections.* The election officers in each ward whose duty it is to conduct regular biennial elections shall conduct a municipal election at the expense of the city in the same manner as a regular biennial election on the Tuesday following the first Monday in November of the odd numbered years to choose one councilman from such ward and four councilmen at large.

4. *Preparation of Ballots.* The city clerk shall prepare the ballots to be used at the municipal election in form as nearly like the ones used in biennial elections as the requirements of this charter permit. Nomination of candidates for Mayor and city councilors shall be by party caucus at least twenty days before the regular biennial election and such names shall appear on the ballot, with party designations.

5. *Term and Number of Members.* Except as otherwise provided in this charter all the powers of the city shall be vested in a council which shall consist of one councilman from each ward who shall be elected by such ward and four councilmen at large. Members shall be elected for a term of two years, shall take office on the January fourth next after their election and shall hold office until their successors are duly elected and qualified. The city clerk shall act as the clerk of the council.

6. *Mayor.* There shall be elected at the regular biennial election a mayor. Candidates for mayor shall be nominated in accordance with the laws relating to nomination of city officials. The mayor shall hold office for a term of two years and until his successor is duly elected and qualified. In the event of a vacancy in the office of mayor, the same shall be filled as provided in chapter 63 of the Revised Laws. The mayor shall be the official head of the city. He shall preside at all meetings of the council. He may speak at all meetings but may vote only in case of a tie. In addition to the powers conferred on the Mayor by the charter he shall have all the powers conferred upon mayors of cities by law.

7. *Salary of Mayor.* The salary of the mayor shall be five thousand dollars per year, payable monthly, and he shall devote his full time to his duties.

8. *Qualifications.* No person shall be a candidate for election as councilman or school committee member who is not a duly qualified voter in the city and who has not been a resident of the city for at least two years immediately preceding his election. No councilman nor school committee member nor mayor shall be eligible to hold any other remunerative position with the city. No person shall be elected mayor who has not been a resident of the city for at least six years immediately preceding his election.



9. *Vacancies.* Vacancies occurring in the office of councilman at any time after the election of a candidate or candidates thereto shall be filled by the appointment of some qualified person who receives the votes of at least a majority of the members of the council by the second regular meeting following the creation of the vacancy. Every vacancy shall be filled from the same political party as the prior incumbent.

10. *Organization of City Council.* The mayor and councilmen so chosen, shall meet at ten o'clock in the forenoon on the first Wednesday of January next following their election, in their capacity as the city council, for the purpose of taking their respective oaths of office, organizing, adopting rules and for the transaction of business required by law or ordinance to be transacted at such meeting. The city council shall elect, by a majority vote, one of its members as acting mayor who shall serve in the absence of the mayor.

11. *Compensation of Councilmen.* Each councilman shall receive ten dollars for each council meeting which he attends, but not more than the sum of two hundred dollars in the aggregate in any year, in full for his services.

12. *Meetings.* The mayor shall preside over all meetings of the council and the city clerk shall act as clerk of the council. All meetings of the council shall be public. Regular meetings shall be held at 8 o'clock in the evening on the second Thursday of each month and special meetings upon notice delivered to the mayor and to each councilman by the clerk at the written request of the mayor or a majority of the councilmen. The council shall establish its own rules, and a majority shall constitute a quorum for the transaction of the business of the council.

13. *Ordinances.* Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause of each ordinance shall be "The City of Dover Ordains," and the effective date of each ordinance shall be specified in it. All ordinances shall be recorded at length uniformly and permanently by the city clerk, and each ordinance so recorded shall be authenticated by the signature of the mayor and the city clerk. Ordinances shall be published, compiled and revised in such manner and at such time as the council shall determine.

14. *General Powers.* Except at herein otherwise provided, the council hereby established shall have all the powers and discharge all the duties conferred or imposed upon city councils in convention, city councils voting concurrently or boards of mayor and aldermen acting separately, by chapters 62 to 66 of the Revised Laws or by other general laws now in force or hereafter enacted, or upon the city councils or board of mayor and aldermen of the city of Dover by special laws not hereby repealed. The council shall have the powers of selectmen of towns so far as consistent with this charter. All provisions of such laws pertaining to the powers or duties of any or all such bodies shall be construed to apply to the council hereby established unless a contrary intent or provision herein appears, it being the purpose of this act to confer upon said council all functions of either or both branches of the existing city councils, except such as are specifically transferred to the mayor. All committees of the council and all boards shall be deemed advisory and policy making only except as herein otherwise provided. The city clerk shall be elected by a majority vote of the council for a term of two years.

## II. Administrative Service

15. *General Powers and Duties of the Mayor.* The mayor shall be the chief administrative officer and the head of the administrative branch of the city government. He shall supervise the administrative affairs of the city and shall carry out the policies enacted by the council. He shall enforce the ordinances of the city, this charter, and all laws applicable to the city. He shall keep the council informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the council, not inconsistent with this charter. He shall have and perform such other powers and duties not inconsistent with the provisions of this charter as now are or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law.

16. *Appointive Power of Mayor.* The mayor shall have the power to appoint and remove all officers and employees in

the administrative services of the city, subject to the provisions of this charter, and he may authorize and empower the head of a department or officer responsible to him to appoint and remove subordinates in such department or office. All such appointments shall be without definite term unless made for a provisional, temporary, or emergency service not to exceed the maximum limits which may be prescribed by the merit plan.

17. *Non-interference by the Council.* It is the intention of this charter that the council shall act in all matters as a body, and it is contrary to the spirit of this charter for any of its members to seek individually to influence the official acts of the mayor, or any other officer, or to direct or request the appointment of any person to, or his removal from office; or to interfere in any way with the performance by such officers of their duties. The council and its members shall deal with the administrative service solely through the mayor and shall not give orders to any subordinates of the mayor either publicly or privately. Nothing herein contained shall prevent the council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any office or department, or any matter relating to the welfare of the municipality, and delegating to such committee such powers of inquiry as the council may deem necessary. Any councilman violating the provisions of this section shall upon conviction thereof in a court of competent jurisdiction forfeit his office.

18. *Appointive Offices.* The mayor, subject to confirmation by a majority vote of the city council, shall appoint a treasurer, a superintendant of water works, three assessors, not more than two of the same political party, a fire chief, a health officer, a city solicitor, overseer of the poor, tax collector, and such other officers as may be necessary to administer all departments which the council shall establish. There shall also be appointed and confirmed by the council a qualified person as director of public works whose duties shall be to have charge, management and control of the building, construction, oiling, sprinkling, repairing and maintaining of all the streets, bridges, highways, lanes, alleys, sidewalks, public sewers and drains, and city farm buildings, gravel banks and lands and buildings used in connection therewith, and such

other lands as are not used by any other department and belonging to the said city of Dover. He shall also have charge of collection of garbage. The director of public works shall also have charge of the park department. The powers and duties of other officers and heads of departments appointed by the mayor shall be those prescribed by state law, by this charter or by ordinance.

19. *Department; Administrative Code.* The city shall have a department of administration headed by the mayor, and such other departments, divisions and bureaus as the council may establish by ordinance. It shall be the duty of the first mayor elected under the provisions of this charter to draft and submit to the council, within six months after assuming office, an ordinance providing for the division of the administrative service of the city into departments, divisions and bureaus, and defining the functions and duties of each. Subsequent to the adoption of such ordinance, upon recommendation of the mayor, the council by ordinance may create, consolidate or abolish departments, divisions and bureaus of the city and define or alter their functions and duties. The compilation of such ordinances shall be known as the "Administrative Code." Each officer shall have supervision and control of his department and of the employees therein and shall have power to prescribe rules and regulations, not inconsistent with general law, this charter, the administrative code, and the provisions of the merit plan. Prior to adoption of the administrative code the mayor shall have the power to establish temporary rules and regulations to insure economy and efficiency in the several divisions of the city government.

20. *Purchasing Procedure.* The administrative code shall establish a centralized purchasing and contract system, including the combination of purchasing of similar articles for different departments, and purchasing by competitive bids whenever practical. The mayor shall be charged with the administration of the system so established.

### III. School Committee

21. *School Committee.* There shall be a school committee for said city, to consist of five elective members, together with the mayor of said city, who shall, *ex-officio*, be a member thereof, but who shall have the right to cast a vote only in

case of a tie in any vote, resolution, or other question before said committee. At the first election held in accordance with this charter said five school committee members shall be elected at large by the voters of the city of Dover, the three candidates receiving the largest number of votes at said election shall serve for a term of four years each, and the candidates receiving the fourth and fifth largest number of votes shall serve for a term of two years each, the terms of such five elected members shall begin on the first Wednesday of January next following; at each biennial municipal election thereafter, a sufficient number of members shall be elected at large to fill the terms expiring on the first Wednesday of January of the year following said election, and the members so elected shall serve for terms of four years each, beginning on said first Wednesday of January. Provided, however, that no political party caucus, primaries or convention shall nominate any candidate for said school committee, and the names of candidates for school committee shall appear on the ballots without any political designation whatsoever; and provided further, that the ballot for school committee shall contain the names only of such residents of Dover as shall have filed with the city clerk, not less than thirty days before the date of the biennial municipal election, a written notice of intention to be a candidate at such election. Vacancies occurring in said school committee from any cause shall be filled by majority vote of the council for the unexpired term.

#### IV. Public Cemeteries

22. *Public Cemeteries; Trustees.* The control and management of the public cemeteries in the city of Dover shall be vested in a board of five trustees of which the mayor shall be a member *ex-officio*. On the first Wednesday of January following the adoption of this charter, the mayor and council shall elect five trustees as follows: one for five years, one for four years, one for three years, one for two years and one for one year, and each year thereafter shall elect one trustee for a term of five years. Any vacancy shall be filled in the same manner for the unexpired term. There shall be no more than three of said trustees who are members of the same political party.

23. *Powers and Duties.* The board of trustees shall receive, hold and expend the appropriations made by the city

for its public cemeteries, and shall appoint a superintendent and make all rules and regulations governing the cemeteries. They shall also receive, hold and expend the funds that arise from the sale of any cemetery lots, and the income of money given, bequeathed, or devised to the city or any public cemetery, for the beautifying and improvement of the same or such parts thereof as may be designated. Said trustees shall serve without pay. They shall enlarge any public cemetery whenever they deem it wise or necessary, and for that purpose they may from time to time, take, purchase and hold real estate for the city. If the said board of trustees are unable to purchase any land they may deem necessary to make additions to, or enlargement of, the public cemeteries at a price which they think reasonable, they may apply to the county commissioners for the county of Strafford to assess damages on the land taken by them therefor, and said commissioners after notice to the parties and hearing, shall assess the value of said land so taken and award damages therefor, which assessment shall be in writing, and filed in the office of the city clerk for said city, as soon as may be after the same is completed, and upon payment or tender to the party whose land is so taken, the right of said board of trustees to the same shall become vested and complete; but said party shall have the same right of appeal from said award to the superior court as exists in the case of land taken for highways by action of said commissioners.

24. *Deed of Trust.* The trustees may receive from the owners of lots a deed of trust which may be so written as to forever prevent any sale or exchange of said lot, by any heir at law, or any other person.

## V. Public Library

25. *Public Library; Trustees.* The control of the Dover public library, the appointment of librarian, the determination of the salary of the librarian, and the entire management of the affairs of the library, shall be vested in a board of five trustees, of which the mayor shall be a member, *ex-officio*. On the first Wednesday of January following the adoption of this charter, the mayor and council shall elect five trustees as follows: one for five years, one for four years, one for three years, one for two years and one for one year, and each year thereafter shall elect

one trustee for five years. No more than three of said trustees shall be of the same political party. Any vacancy shall be filled in the same manner, but only for the unexpired term of the trustee whose place is thus filled. No member of the city councils shall be eligible as a trustee.

26. *Regulations; Report.* The board of trustees shall establish all regulations relating to the library, and purchase and use of books, and may prosecute in the name and at the expense of the city any persons who may violate any of the said regulations. They shall report annually to the city, the state of the library, and render an account of the expenditures of all funds entrusted to their care.

27. *Free.* The Dover public library shall be open to the free use of every inhabitant of the city, subject to such rules and regulations as may be established by the trustees.

## **VI. Wentworth Hospital and Dover City Hospital**

28. *Wentworth Hospital and Dover City Hospital; Trustees.* The city of Dover is hereby authorized to do and perform any and all acts necessary to maintain the Wentworth Hospital agreeably to the terms and conditions imposed in the deed of trust creating such hospital. The mayor subject to confirmation of the council, shall appoint five trustees, one for five years, one for four years, one for three years, one for two years, and one for one year, and each year thereafter shall elect one trustee for five years. No more than three of said trustees shall be of the same political party. If a vacancy occurs the mayor shall appoint, subject to the confirmation of the council, some person to fill said vacancy for the unexpired term. Said mayor and council may remove any member of said board of hospital trustees at any time for cause, upon charges duly filed with the clerk of said city and upon a full hearing thereon; provided, however, that no member of said board shall be removed except upon the affirmative vote of two-thirds of all the members of said board of mayor and council, voting by yea and nay. The mayor shall be a member, ex-officio, with all the rights and privileges of his associates on the board.

The city of Dover is also hereby authorized to construct and do and perform any and all acts necessary to establish and maintain a Dover city hospital. The board of trustees of said

Dover city hospital shall consist of the members of the board of trustees of the Wentworth hospital and shall be elected and hold office as provided in the preceding paragraph.

29. *Organization; Powers.* In the month of January, annually, said board shall organize and choose one of its members as chairman, and shall also choose a clerk who may be one of said trustees; said board may choose a treasurer, who shall file with said board such bond and receive such salary as said trustees shall determine. Said board of hospital trustees may purchase such land as may be necessary and shall have full charge, management and control of the erection, equipment and management of such building or buildings as may be necessary to carry into effect the purposes of this act; may employ and fix the compensation of such agents as they shall deem expedient, and remove any of said agents at pleasure, and make necessary and reasonable rules and regulations for their own government and for the control and management of all property, real or personal, connected with the proper conduct of said hospital.

30. *Control of Property.* The board of trustees shall hold in trust all property now bequeathed, or hereafter acquired by, or bequeathed or devised to, said city for hospital purposes; and the investment, use, disposition, and expenditure of the same, and the income thereof, shall be within the sole control and discretion of said board of trustees, and the same being in the nature of a public charity shall be exempt from taxation.

31. *Right of Eminent Domain.* If the said board of trustees are unable to purchase any land they may deem necessary for hospital purposes at a price which they think reasonable, they may take the same and apply to the county commissioners for the county of Strafford to assess damages upon any land which they so desire to so take; and said commissioners after notice of the parties and hearing, shall assess the value of said land so taken, and award damages therefor, which assessment shall be in writing and filed in the office of the city clerk of said city as soon as may be after the same is completed; and upon the payment or tender to the party whose land is so taken, the right of said board of trustees to the same shall become vested and complete; but said



party shall have the right of appeal as in the case of land taken for highways by action of said commissioners.

32. *Report.* The said board shall annually, in the month of December, make a detailed report of all matters pertaining to said hospital to the city councils, and the city councils are authorized to appropriate such sums of money from time to time for the maintenance of said hospital as in their judgment may be necessary.

## VII. Police Department

33. *Police Commission.* (a) On or before December 1, following the adoption of this charter, the Governor shall with the advice and approval of the council, appoint and commission for the City of Dover a police commission consisting of three persons, one of whom shall hold office for one year, one for two years and one for three years from the first Wednesday in January, following the adoption of this charter, or until their successors are duly appointed and qualified. Said commissioners shall have been residents of the city at least five years immediately preceding the date of their appointment. Not more than two of said commissioners shall be of the same political party. The governor shall, annually on or before the first day of December thereafter, with the advice and approval of the council, appoint and commission one commissioner, who shall succeed the one whose term expires and who shall serve for three years from the first Wednesday in January unless sooner removed as hereinafter provided, and any vacancy in said board shall be filled in the same manner for the unexpired term.

(b) The Governor with the advice and approval of the council shall have full power to remove any commissioner at any time.

(c) It shall be the duty of said police commissioners to appoint such police officers, constables and superior officers, as they may in their judgment deem necessary, and to fix their compensation.

(d) The compensation of the police commissioners shall be fixed by the city council.

(e) The police commissioners shall have authority to

remove any officer at any time for just cause and after due hearing, which cause shall be specified in the order of removal.

(f) The police commissioners shall have full power to make all rules and regulations for the government of the police force and to enforce said rules and regulations.

### VIII. Finance

34. *Fiscal Year.* The fiscal and budget year of the city shall begin on the first day of January unless another date shall be fixed by ordinance.

35. *Financial Control.* The mayor shall appoint an officer other than the treasurer who shall maintain accounting control over the finances of the city, make financial reports, and perform such other duties as may be required by the administrative code. He shall audit and approve all authorized claims against the city before authorizing payment thereof.

36. *Budget Procedure.* At such time as may be requested by the mayor or specified by the administrative code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the department or activities under his control. The mayor shall submit the proposed budget to the council on the second Thursday of February.

37. *Budget Hearing.* A public hearing on the budget shall be held before its final adoption by the council, at such time and place as the council shall direct, and notice of such public hearing together with a copy of the budget as submitted shall be posted in two public places, and published once at least one week in advance by the city clerk.

38. *Adoption of Budget.* The council may reduce any item or items in the mayor's budget by a vote of a majority of the council, but an increase in or addition of an item or items therein shall become effective only upon an affirmative vote of two-thirds of the members of the council. The budget shall be finally adopted not later than the first day of the third month of the fiscal year.

39. *Transfer of Appropriations.* After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money

be incurred, except pursuant to a budget appropriation unless there shall be a specified appropriation therefor specifying the source from which the funds shall come. Except as otherwise provided in this charter the council may transfer any unencumbered appropriation balance or any portion thereof from one department, fund, or agency, to another.

40. *Depository.* The council shall designate the depository or depositories for city funds, and shall provide for the daily deposit of all city moneys. The council may provide for such security for city deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

41. *Independent Audit.* An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by qualified public accountants experienced in municipal accounting and appointed by the council. An abstract of the results of such audit shall be made public. An annual report of the city's business shall be made available in such form as will disclose pertinent facts concerning the activities and finances of the city government.

42. *Official Bonds.* Any city officer elected or appointed by authority of this charter may be required by the council to give a bond to be approved by the city solicitor for the faithful performance of the duties of his office, but all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

43. *Borrowing Procedure.* Subject to the applicable provisions of state law and the rules and regulations provided by ordinance in the administrative code, the council, by resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance of bonds of the city or other evidence of indebtedness therefor, and may pledge the full faith, credit and resources of the city for the payment of the obligation created thereby. Borrowing for a term exceeding one year shall be authorized by the council only after a duly advertised public hearing.

### IX. Personnel Administration

44. *Merit Plan.* Appointments and promotions to all positions in the service of the city shall be made solely on the basis of merit and only after examination of the applicants' fitness. The first mayor shall draft and submit to the council within six months after assuming office an ordinance providing for the establishment of a merit system of personnel administration. Such ordinance shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations, retirement and any other matters necessary to the maintenance of efficient service and the improvement of working conditions of such ordinance. With reasonable dispatch thereafter the council shall enact, amend or revise the ordinance so submitted, but in any event the council shall enact a merit plan which embodies the provisions herein required. It shall be the duty of the mayor to administer the merit plan so enacted. He may submit revisions of the merit plan to the council from time to time as changes in conditions and circumstances in the city service justify.

45. *Personnel Advisory Board.* There is hereby established a Personnel Advisory Board of three citizens holding no other public office and appointed by the mayor, subject to the approval of a majority of the council. The term of each member shall be for three years and until his successor is appointed and qualified, provided, however, that in the case of first appointments, one member shall be appointed for one year, one for two years, and one for three years. Vacancies shall be filled for the remainder of any term in the same manner as the original appointment. It shall be the duty of the Personnel Advisory Board to study the broad problems of personnel policy and administration, to advise the council concerning the personnel policies of the city and the mayor regarding the administration of the merit plan, and to hear appeals from any employee aggrieved as to the status or condition of his employment. The council shall issue written reports containing findings of fact and recommendations to the mayor upon such appeals. But the council shall have no power to reinstate an employee unless it finds, after investigation, that disciplinary action was taken against the employee for religious, racial or political reasons.

46. *Retirements.* The merit plan may contain provisions for a system for the retirement of any city employee who shall have attained an age or condition of health which warrants retirement from further service. Any such plan shall provide payments to retired employees only as additional compensation for services rendered after the inauguration of such plan and before retirement.

### X. Special Assessments

47. *Council Resolution.* The council shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

48. *Procedure Fixed by Ordinance.* The council shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs, notice and hearing, the making of assessment roll and correction of errors, the collection of special assessments, and other matters concerning the making of improvements by the special assessment method.

### XI. Miscellaneous Provisions

50. *Oath of Office.* Every person elected or appointed to any city office before entering upon the duties of his office shall take and subscribe to an oath of office, as provided by law, which shall be filed and kept in the office of the city clerk.

51. *Notice of Election or Appointment.* Written notice of election or appointment of any city officer shall be mailed to him at his address by the city clerk within 48 hours after the appointment is made or the vote canvassed. If within ten days from the date of the notice, such officer shall not take, subscribe to and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall

thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

52. *Vacancy Defined.* In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, moves from the city, is convicted of a felony or judicially declared to be mentally incompetent.

53. *Official Interest in Contracts.* No officer or employee of the city shall take part in a transaction or decision in which he has a financial interest (aside from his salary as such officer or employee), direct or indirect, greater than any other citizen or taxpayer. No councilman or school committee member or mayor or any firm of which any such person is a member or employee shall sell material or services to the city.

54. *Private Use of Public Property.* No officer or employee shall devote any city property or labor to private use except as may be provided by law or ordinance.

55. *Liability for Discharge.* The removal in accordance with this charter with or without cause of a person elected or appointed or otherwise chosen for a fixed term shall give no right or action for breach of contract or otherwise.

56. *Notice of Claim.* No action at law or bill in equity shall be sustained against the city unless a notice setting forth the nature and amount, if any, of the claim shall have been delivered or sent by registered mail to the office of the city clerk not less than sixty days prior to the commencement of said action at law or bill in equity.

57. *Municipal Court.* The municipal court of the city as at present constituted is hereby continued.

58. *Violations.* All violations of provisions of this charter, unless otherwise provided, are hereby declared misdemeanors and all such violations and all violations of city ordinances for which no other punishment is provided, shall be punishable by a fine not exceeding five hundred dollars or imprisonment for a period not exceeding ninety days, or both, in the discretion of the court.

59. *Public Records.* All records of the city shall be public and shall be available at any time during business hours, on request.

59-a. *Bills.* Whenever practical all purchases made by

the city and by the school department shall be by sealed bids but in no case shall purchases of over fifty dollars be made without such sealed bids.

59-b. *Sale by City.* All sale of city owned property shall be by public auction with notice of such sales published in the Dover Daily Democrat, or any other city of Dover newspaper, for at least three successive days, and at least one week before said sale.

60. *Trust Funds.* Trust funds, except where otherwise provided by the instrument creating such trust, shall be kept separate and apart from all other funds and shall be invested by the treasurer in investments from time to time legal for mutual savings banks in the state of New Hampshire.

## XII. Savings Clause

61. *Saving Clause.* So much of the previous charter of the city and of laws passed in amendment or supplement thereof, as are in force when this act is adopted relative to the constitution and bounds of its several wards, its school districts and sewer, lighting, and other special precincts and their government and affairs, municipal court, and to the borrowing of money in aid of its school districts, is hereby continued in force, with the exception of such provisions as are inconsistent with this charter; and all special legislation relative to the government of the city shall remain in force in the city so far as the same can be applied consistently with the intents and purposes of this charter, but shall be deemed superseded as to this city so far as inconsistent herewith. Existing ordinances and other municipal regulations shall remain in force so far as the same can be applied consistently with the intents and purposes of this charter, but are hereby annulled so far as inconsistent herewith. In all existing laws, ordinances, and regulations hereby saved, references to the city councils, board of mayor and aldermen, or other bodies or officers hereby abolished and superseded, or to bodies or officers whose constitution or functions are hereby altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by this charter or by the administrative code.

62. *Tenure of Office.* When this charter takes effect, the incumbents of all municipal offices who are not elected by

popular vote and whose offices are not hereby abolished or superseded shall, subject to the provisions of section 1, continue to hold the same until the expiration of their respective terms where a term of years exists, or until such offices are abolished or superseded by lawful ordinances.

63. *Separability.* The sections of this charter and the parts thereof are separable. If any portion of this charter, or the application thereof to any person or circumstance, shall be held invalid the remainder thereof or the application of such portions to other persons or circumstances shall not be affected thereby.

3. *Takes Effect.* Section 1 of this act shall take effect upon its passage, and section 2 shall take effect only as provided in sections 1 and 2.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

#### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution sent up from the House of Representatives:

House Bill No. 401, An act relating to notice of tax sales.

House Bill No. 511, An act relative to itinerant retailers of tobacco products.

House Joint Resolution No. 3, Joint resolution extending the authority of the committee to investigate tax exemption laws.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolution:

Concurrent resolution memorializing Congress urging passage of a Senate bill relating to multiple sclerosis and related neurological diseases.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which



amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases.

Amend House Bill No. 250 by striking out section 2 thereof and inserting in place thereof the following:

2. *Return of List.* Amend Chapter 339 of the Revised Laws by striking out Sections 22 and 23 thereof and inserting in place thereof the following: 22. *Return of List.* The Clerk of the superior court for each county, at the end of each term of court, shall return to the registrar of vital statistics a full and correct list of all changes of names that have been decreed hereunder by the court since the last return.

Further amend House Bill No. 250 by inserting the following new section: 3. *Return of Names Changed.* Amend Section 13 of Chapter 347 of the Revised Laws by striking out the whole thereof and inserting in place thereof the following: 13. *Return of Names Changed.* In the months of January and July in each year the register of probate for each county shall return to the registrar of vital statistics a full and correct list of all changes of names that have been made by the judge of probate since the last return.

Further amend House Bill No. 250 by inserting the following new section: 4. *Preservation of Returns.* Amend Section 9 of Chapter 337 of the Revised Laws by striking out the whole thereof and inserting in place thereof the following: The state registrar shall cause the returns made to him in pursuance of the preceding sections, together with the returns of divorces and changes of names made by the registrars of probate to be arranged, alphabetic indexes of all the names contained therein to be made and the whole to be bound in convenient volumes and preserved in his office. Records of births, marriages, deaths, divorces and changes of names shall be kept separately.

Further amend House Bill No. 250 by inserting the following new section: 5 *Secretary of State.* All lists of changes of names returned to the secretary of state for publication in the session laws of 1949 shall be sent by him to the registrar of vital statistics, and such lists shall not be published in said session laws.

On motion of Mr. Laraba of Portsmouth the House concurred in the adoption of the amendments send down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 180, An act providing for the manufacture or sale of colored oleomargine.

Amend the bill by striking out the whole of section 4 and substituting therefor the following:

4. No person shall serve colored oleomargine or colored margarine at a public eating place, whether or not any charge is made therefor, unless (1) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine, or (2) each separate serving, thereof is triangular in shape.

On motion of Mr. Willey of Campton the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 428 (new draft) An act relative to purchases by the purchasing agent.

Amend the bill by striking out in section 8 sub-section III and inserting in place thereof the following; so that sub-section III as amended shall read:

SECTION 8, III. *Courts and State Library.* The supreme court, the superior court and the state reporter are excepted entirely from the provisions of this chapter. The state library is excepted in the matter of the purchase of books and periodicals only. In respect to all other purchases it shall be subject to the provisions of this act.

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption

of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 361, (in new draft and new title), An act relative to fees for special permits to move objects or vehicles and loads.

Amend section 1 of said bill by striking out the first six lines and inserting in place thereof the following:

1. *Special Permits.* Amend chapter 119 of the Revised Laws by inserting after section 37-b as inserted by section 2, chapter 104 of the Laws of 1949, the following new section: 37-c. *Gross Weight.* Before any special permit authorized by section 37-b is issued, the commissioner of motor vehicles shall collect fees as follows:

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 506, An act relating to turning movements by motor vehicles on public highways.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Operation of Motor Vehicles.* Amend chapter 119 of the Revised Laws by inserting after section 18 the following new sections: 18-a. *Turning Movements and Required Signals.*

Further amend said section 1 of the bill by striking out the figures "25B and 25C" and inserting in place thereof the figures, 18-b and 18-c.

On motion of Mr. Myhaver of Peterborough the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 57, An act amending the charter of the city of Concord.

Senate Bill No. 100, An act in relation to municipal utilities.

Senate Bill No. 107, An act relative to fire emergencies of military origin.

Senate Bill No. 115, An act relating to the reconstruction and financing of the water works system of the Plymouth Village Fire District.

Senate Bill No. 122, An act relating to unemployment compensation benefits for National Guard personnel.

Senate Bill No. 124, An act relative to lease receipts on land taken for flood control.

Senate Bill No. 128, An act ratifying certain action of the town of Whitefield relative to the so-called Morrison Hospital.

#### **Senate Bills Read and Referred**

Senate Bill No. 57, An act amending the charter of the city of Concord.

Read a first and second time and referred to the delegation from the city of Concord.

Senate Bill No. 100, An act in relation to municipal utilities.

Referred to the Committee on Public Works.

Senate Bill No. 124, An act relative to lease receipts on land taken for flood control.

Read a first and second time and referred to the Committee on Executive Departments and Administration.

Senate Bill No. 107, An act relative to fire emergencies of military origin.

Read a first and second time and referred to the Committee on Military and Veterans' Affairs.

Senate Bill No. 115, An act relating to the reconstruction and financing of the water works system of the Plymouth Village Fire District.

Read a first and second time and referred to the Committee on Municipal and County Government.

Senate Bill No. 128, An act ratifying certain action of the town of Whitefield relative to the so-called Morrison Hospital.

Severally read a first and second time and referred to the Committee on Municipal and County Government.

Senate Bill No. 122, An act relating to unemployment compensation benefits for National Guard personnel.

Read a first and second time and referred to the Committee on Labor.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their titles only.

### Third Readings

House Bill No. 275, An act relative to nonresident fish and game licenses.

House Bill No. 278, An act relative to taking striped bass.

House Bill No. 517, An act relative to the administration of the unemployment compensation law.

House Bill No. 522, An act authorizing the Tilton and Northfield Union School District to issue notes for the payment of an operational deficit for the year 1948-1949 and validating procedures of the annual district meeting on March 9, 1949.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 93, An act relating to the municipal budget law and the duties of officials thereunder.

Senate Bill No. 105, An act relative to the state racing commission and rules and regulations of said commission.

Senate Bill No. 116, An act relative to crude petroleum.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Horne of Milton at 12:22 o'clock the House adjourned.

THURSDAY, MAY 26, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God the Creator and Preserver of all mankind, we humbly beseech Thee for all sorts and conditions of men; that Thou wouldst be pleased to make Thy ways known unto them. We commend to Thy fatherly goodness and Divine guidance those who are perplexed with the affairs of government. We commend to Thy mercy those who are afflicted or distressed in mind or body, that it may please Thee to comfort and relieve them according to their several necessities. This we ask for Jesus Christ's sake. Amen.

### Leave of Absence

Mrs. Goodwin of Hollis was granted leave of absence for the day on account of illness.

Mr. Sommers of Holderness was granted leave of absence for the day on account of important business.

### Committee Reports

Mr. Moffitt of Berlin, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 9, An act relative to the governor's council, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Willey of Campton, for the Committee on Executive Departments and Administration, to whom was referred House Bill No. 261, An act relative to preparation of check-lists for school district meetings, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Whittier of Bethlehem, for the Committee on Fisheries and Game, to whom was referred House Bill No. 198, An act relating to the taking of deer by bow and arrow, reported the

same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Hunting Deer.* Amend chapter 242 of the Revised Laws by inserting after section 16 the following new subdivision:

### **Bow and Arrow**

16-a. *Special Permits.* Any person resident or non-resident holding a valid New Hampshire hunting license upon the payment of an additional fee of five dollars may be issued a special permit to hunt deer with bow and arrow in the sections of the state described in section 16-b. The special permit shall entitle the holder to hunt deer for a period of ten days immediately prior to the open season for taking deer. Any person taking a deer under the provisions of this subdivision shall notify a conservation officer within twenty-four hours of such taking.

16-b. *Districts Established.* The areas of the state within which deer may be taken with bow and arrow for the limited period as provided in section 16-a are as follows:

I. That part of Coos county lying north of the main highway known as U. S. Route No. 2 from the Vermont boundary to the Maine boundary.

II. In the area within the following described boundaries: Beginning at the Connecticut River in the town of Walpole on Route 123A to Route 10 in the town of Marlow; thence northerly on said Route 10 to the Grafton boundary line between the counties of Grafton and Sullivan at the town of Enfield; thence on said county line to the Connecticut River; thence by the Connecticut River to the point begun at.

III. In the area within the following described boundary: Beginning on Route No. 13 in the town of Brookline; thence by said route to Route No. 101 in the town of Milford; thence by said Route 101 with its junction with Route 31 in the town of Wilton; thence by Route No. 31, to Lyndeboro to Greenfield and Bennington at the junction with Route No. 202; to Hancock at a junction of Route No. 137; thence by Route 137 to Jaffrey at a junction with Route No. 202; thence by Route

No. 202 to Rindge at the Massachusetts state line; thence by said state line to the point begun at.

IV. That part of Bear Brook Game Refuge open to bow and arrow hunting of deer in accordance with the provisions of section 12-b of chapter 246 of the Revised Laws as inserted by chapter 152 of the Laws of 1947.

16-c. *Regulations.* No bow shall be used for hunting deer unless it will pull at least forty pounds. No mechanically drawn or released bow may be used and deer may not be taken by a strung bow in a motor vehicle. No arrow shall be used other than broad heads which broad heads shall be not less than seven-eighths inch nor more than one and one-half inches wide and when arrows are used in such hunting the name and address of the bowman must be plainly printed on each arrow. No person shall take deer by bow and arrow unless he has complied with the provisions of this section.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted and the amendment adopted.

Mr. Underwood of Hampton offered the following amendment:

Amend section 16-a of chapter 242 of the Revised Laws as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following: 16-a. *Special Permits.* Any resident holding a valid New Hampshire hunting license upon the payment of an additional fee of two dollars or any non-resident holding a valid New Hampshire hunting license upon the payment of an additional fee of three dollars, may be issued a special permit to hunt deer with bow and arrow in the sections of the state described in section 16-b. The special permit under this section shall entitle the holder to hunt deer for a period of ten days immediately prior to the open season for taking deer. Any person taking a deer under the provisions of this subdivision shall notify a conservation officer within twenty-four hours of such taking.

The question being on the amendment.

(Discussion ensued)

Messrs. Underwood of Hampton and Fernald of Rochester spoke in favor of the amendment.



On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Fernald of Rochester, for the Committee on Fisheries and Game, to whom was referred House Bill No. 182, An act relative to division of the state for taking wild deer, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Wild Deer.* Amend section 3 of chapter 242 of the Revised Laws as amended by chapter 191 of the Laws of 1943 and chapter 168 of the Laws of 1945 by striking out said section and inserting in place thereof the following: 3. *Taking; Time.* Wild deer, outside game preserves, may be hunted and taken from one-half hour before sunrise to one-half hour after sunset in that part of the state which lies north of the following described line during the month of November; and in that part of the state lying south of the following described line during the month of December, provided that no deer shall be hunted or taken at any time on any island or in any waters or lakes and ponds. The line for the division of the state for the purpose of taking wild deer is described as follows: Beginning at the boundary line with the state of Vermont in the town of Orford on Route 25A, thence on said route to Orfordville, thence to Wentworth on Route 25, thence on said Route 25 to Rumney Depot, thence from Rumney Depot to Rumney Village, thence following by Lake Stinson to West Campton, thence from West Campton to Campton Station, thence from Campton Station to Campton and to Campton Lower Village, thence from Campton Lower Village to Campton Upper Village, thence from Campton Upper Village following the Waterville Valley road up Mad River to the junction on the Sandwich Notch road, thence following the Sandwich Notch road to the boundary line between Grafton and Carroll county, thence northerly and easterly along said county boundary line, thence northerly along said boundary line and the line between the towns of Waterville and Albany to the junction of the road in the town of Albany known as Kancamagus highway, thence along said Kancamagus highway to its junction with Route 16 in the town of Conway, thence on said Route 16 to Route 113, thence on said Route 113 to the Maine boundary.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Fernald of Rochester moved that the rules be suspended and House Bill No. 182 be put upon its third reading, by title, and final passage at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed and sent to the Senate for concurrence.

### Reconsideration

Mr. Willey of Campton moved that the House reconsider the vote whereby it passed House Bill No. 182.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Rowell of Newport, for the Committee on Labor, to whom was referred House Bill No. 399, An act relative to minimum wage standards, reported the same, in new draft and with new title, with the recommendation that the bill, in its new draft and with its new title, ought to pass.

The report was accepted.

On motion of Mr. Rowell of Newport the bill, in its new draft and title, was laid upon the table to be printed and made a special order for Wednesday, June 1 at 11:01 o'clock.

Mrs. Weeks of Gilford, for the Committee on Transportation, to whom was referred Senate Bill No. 118, An act defining "highway building equipment" under the motor vehicle laws, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 226, An act providing for the equalization of the stock-in-trade tax, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 519, An act increasing fees paid to the Secretary of State for corporation

and partnership registrations, licenses, engrossing private acts, election recounts and miscellaneous documents, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Baron of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 125, An act relating to removal of manager of city of Claremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Angus of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 127, An act relative to budget procedure in the city of Claremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Baron of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 272, An act relative to the appointing power of the manager, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Baron of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 273, An act relative to the council of the city of Claremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Crandall of Dover, for the Special Committee consisting of the delegation from the city of Dover, to whom was referred House Bill No. 512, An act relative to the charter of

the city of Dover, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

#### **Taken from Table**

Mr. Crandall of Dover, for the Special Committee consisting of the delegation from the city of Dover, to whom was referred House Bill No. 377, An act relative to the charter of the city of Dover, reported the same with the amendment as printed in the Journal of May 25, pages 8-27 inclusive, and the recommendation that the bill as amended ought to pass.

The report was accepted.

The question being on the amendments.

(Discussion ensued)

Messrs Stocklan and Crandall of Dover spoke in favor of the amendments.

On a *viva voce* vote the amendments were adopted, and the bill ordered to a third reading.

#### **Resolution**

Mr. Hart of Laconia offered the following resolution :

*Resolved*, That beginning May 31 that the House of Representatives convene on Tuesday, Wednesday, Thursday and Friday of that week, and, on the following week, beginning June 6, the body will remain in session Monday through Friday, and,

*Furthermore, Be It Resolved*, That during the remainder of this session the House of Representatives will continue on a five-day work week schedule, Monday through Friday, until final adjournment, except for observance of legal holidays.

The question being on the resolution.

(Discussion ensued)

Mr. Hart of Laconia spoke in favor of the resolution.

On a *viva voce* vote the resolution was not adopted.

#### **Engrossed Bills Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found

correctly engrossed the following entitled resolutions and bills:

Concurrent Resolution, memorializing Congress urging passage of a Senate bill relating to multiple sclerosis and related neurological diseases.

House Joint Resolution No. 3, Joint resolution providing for a committee to investigate tax exemption laws.

House Bill No. 114, An act relative to retirement benefits under the firemen's retirement system.

House Bill No. 466, An act relative to legal length of motor busses.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 180, An act providing for the manufacture or sale of colored oleomargarine, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 of said bill by inserting after the figure "4" the following: *Prohibition*. Amend section 47 of chapter 194 of the Revised Laws by striking out said section and inserting in place thereof the following: 47. *Serving Colored Oleomargarine*.

On motion of Mr. Willey of Campton the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 494, An act relative to non-resident students at the University of New Hampshire.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representative:

Senate Bill No. 130, An act relating to cost of living bonus for state employees.

### Senate Bill Read and Referred

Senate Bill No. 130, An act relating to cost of living bonus for state employees.

Read a first and second time, and referred to the Committee on Appropriations.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their titles only, and when the House adjourns today it adjourns to meet Tuesday at 11:00 o'clock.

### Third Readings

House Bill No. 198, An act relating to the taking of deer by bow and arrow.

House Bill No. 377, An act relative to the charter of the city of Dover.

House Bill No. 512, An act relative to the charter of the city of Dover.

House Bill No. 519, An act increasing fees paid to the Secretary of State for corporation and partnership registrations, licenses, engrossing private acts, election recounts and miscellaneous documents.

Severally read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Stocklan of Dover moved that the House reconsider the vote whereby it passed House Bills Nos. 377 and 512.

On a *viva voce* vote the motion to reconsider did not prevail.

Senate Bill No. 118, An act defining highway building equipment under the motor vehicle laws.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Perry of Haverhill at 12:05 o'clock the House adjourned.

TUESDAY, MAY 31, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty God, our heavenly Father, in whose hands are the living and the dead; we give Thee thanks for all those who have laid down their lives in the service of our country. Make us worthy of their supreme sacrifice for freedom and democracy, and fit custodians of the trust that is laid upon us. While we hold sacred the memory of our soldiers dead, and decorate their last resting places with loving hands, may we not desecrate the great heritage they have left us. As they had the courage to die for the principles they loved, give us the courage and strength to live for them. We ask it in the name of the Prince of Peace. Amen.

### Leaves of Absence

Mesrs. Goodwin of Hudson, Wirkkala of Lempster and Fitch of Deerfield, were granted leave of absence for the day on account of important business.

Mr. Elliott of Milford was granted leave of absence for the week on account of illness.

### Committee Reports

Mr. Cummings of Newport, for the Committee on Appropriations, to whom was referred House Bill No. 228, An act relative to inspectors of weights and measures, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Hart of Wolfeboro, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 13, Joint resolution in favor of Samuel W. Tenofsky, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Henderson of Durham, for the Committee on Appro-

priations, to whom was referred Senate Joint Resolution No. 13, Joint resolution in favor of Blanche B. Couture, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the resolution by adding after the figures "1948," and said sum shall be in full settlement of said claim, so that the resolution as amended shall read as follows:

That the sum of twenty-five hundred dollars (\$2500) is hereby appropriated to compensate Blanche B. Couture of Nashua, New Hampshire, for personal injuries to wit, a compound fracture of the right ankle, including the pain and suffering and for expenses of hospital, medical and nursing care in connection therewith, caused by a defectively supported step in the Franconia Notch Reservation, to wit, in the Flume Gorge, so-called, on October 9, 1948, and said sum shall be in full settlement of said claim. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

The report was accepted, amendment adopted, and the joint resolution ordered to a third reading.

Mr. Hart of Wolfeboro, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 17, Joint resolution in favor of Luigi Cilli, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Tilton of Laconia, for the Committee on Appropriations, to whom was referred House Bill No. 162, An act relative to payments to towns for flood control, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 10, Joint resolution making appropriation for special lighting for the state senate room, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.



The report was accepted, and the resolution of the committee adopted.

Mr. Merrill of Hampton, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 31, Joint resolution in favor of Alfred M. Jenness, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Hart of Wolfeboro, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 6, Joint resolution in favor of Benjamin Greer, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Baron of Claremont, for the Committee on Public Works, to whom was referred House Bill No. 351, An act relative to the so-called Shaker Road in the towns of Belmont, Northfield and Canterbury, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Callum of Unity, for the Committee on Public Works, to whom was referred House Bill No. 357, An act relative to change in classification of a certain highway in Deerfield, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Burke of Franklin, for the Committee on Public Works, to whom was referred House Bill No. 397, An act relating to reclassification of a certain highway in Allenstown, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 270, An act repealing

provisions of the Unfair Sales Act and amendments thereto, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Judiciary, to whom was referred House Bill No. 270, An act repealing provisions of the Unfair Sales Act and amendments thereto, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

LAURENCE M. PICKETT

LOUIS M. JANELLE

HENRY P. SULLIVAN

C. MURRAY SAWYER

*A Minority of the Committee*

The reports were accepted.

Mr. Sawyer of Concord moved that the report of the minority, ought to pass, be substituted for the report of the majority, inexpedient to legislate.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Sawyer of Concord, Pickett of Keene and Gagnon of Manchester, spoke in favor of the motion.

Messrs. Laraba of Portsmouth, Wadleigh of Milford, Gardner of Keene and Sanborn of Wakefield, spoke against the motion.

On a *viva voce* vote the motion to substitute did not prevail.

Mr. Pickett of Keene asked for a division.

A division being had, the vote was declared manifestly in the negative and the motion to substitute the report of the minority, ought to pass, for the report of the majority, inexpedient to legislate, did not prevail.

The question being on the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Myhaver of Peterborough, for the Committee on Transportation, to whom was referred House Bill No. 424, (in new draft), An act relative to registration of boats and out-board motors, reported the same with the following amend-

ment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Private Boat Fees.* Amend paragraph III of section 5 of chapter 181 of the Revised Laws by striking out said paragraph and inserting in place thereof the following: III. *Private Boats; Outboard Motors.* There shall be paid to the commission for each private boat or outboard motor used for the propulsion of such private boat the following fees:

(a) *Power Boats.* Boats sixteen feet in length and under, three dollars; boats over sixteen feet and not exceeding twenty-six feet in length, five dollars; boats exceeding twenty-six feet in length, eight dollars.

(b) *Outboard Motors.* Motors to and including eleven horsepower, three dollars; motors over eleven and not exceeding thirty horsepower, five dollars; motors over thirty horsepower, six dollars. Determination of horsepower shall be in accordance with the manufacturer's rated horsepower.

The report was accepted.

Mr. Fernald of of Rochester moved that the bill, with amendment pending, be laid upon the table and made a special order for Wednesday, June 1, at 11:01 o'clock.

The question being on the motion.

(Discussion ensued)

Messrs. Fernald of Rochester, Zimmerman of Keene and Whittier of Bethlehem, spoke in favor of the motion.

Mr. Myhaver of Peterborough spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Fernald of Rochester asked for a division.

A division being had, 132 members having voted in the affirmative, and 176 members having voted in the negative, the motion for a special order did not prevail.

The question being on the amendment.

Mr. Marden of Chichester moved that further consideration on the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Marden of Chichester and Zimmerman of Keene spoke in favor of the motion.

Mr. Myhaver of Peterborough spoke against the motion.

Mr. Spaulding of Hudson moved the previous question. The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

Mr. Whittier of Bethlehem asked for a division.

A division being had, 96 members having voted in the affirmative, and 187 members having voted in the negative the motion to indefinitely postpone did not prevail.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill was ordered to a third reading.

Mr. Edson of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 187, (in new draft), An act relative to the taxation of machinery, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Sawyer of Concord, for the Special Committee consisting of the delegation from the city of Concord, to whom was referred Senate Bill No. 8, (in new draft), An act in amendment of the laws relative to the Union School District in Concord, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

The Special Committee consisting of the delegation from the city of Nashua, to whom was referred House Bill No. 375. An act to revise the charter of the city of Nashua, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the delegation from the city of Nashua, to whom was referred House Bill No. 375, An act to revise the charter of the city of Nashua, and being un-

able to agree with the majority, reported the same with the recommendation that the bill ought to pass.

ALICE L. RAMSDELL,  
MABEL THOMPSON COOPER,  
BLAYLOCK ATHERTON,

*A Minority of the Committee.*

The reports were accepted.

Mrs. Ramsdell of Nashua moved that the report of the minority, ought to pass, be substituted for the report of the majority, inexpedient to legislate.

The question being on the motion to substitute.

(Discussion ensued)

Mrs. Ramsdell and Mrs. Cooper of Nashua and Messrs. Atherton of Nashua, Wadleigh of Milford and Sanborn of Wakefield, spoke in favor of the motion.

Messrs. Brosnahan, Paquette and Janelle of Nashua and Stocklan of Dover, spoke against the motion.

Mrs. Cooper of Nashua asked for a division.

A division being had, 149 members having voted in the negative, the motion to substitute did not prevail.

Mrs. Ramsdell of Nashua demanded the yeas and nays and the roll was called with the following result.

#### Yeas, 161

HILLSBOROUGH COUNTY: Tracy, French, Jones of Francestown, Hambleton, Adams of Greenfield, Doonan, English, Boynton, Reid of Litchfield, Corliss, Daniels of Manchester, Martel, Nolan, Peaslee of Merrimack, Wadleigh, Fletcher. Atherton, Cooper, Ramsdell, Thompson of New Ipswich, Myhaver, Osborne.

CHESHIRE COUNTY: Thomas, Walker of Hinsdale, Spofford, Perry of Jaffrey, Aldrich, Landers, Darling, Turner, Zimmerman, Tolman, Andrews, Sherwin, Blake, Kershaw, Killeen, Rhodes, Billings, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Perkins, Converse of Claremont, Zopf, Bissonnett, Read of Plainfield, Russell, Callum, Williams of Washington.

GRAFTON COUNTY: Chamberlin of Bath, Whittier, Wheeler, Willey, Dunbar, Grass, Williams of Grafton, Atkins, Fuller, Holden, Chamberlin of Haverhill, Clough, Perry of Haverhill, Adams of Lebanon, Dwinell, Collins, Hamilton, Orr, Dusik, Bell, Loizeaux, Barney, Sawyer of Woodstock.

COOS COUNTY: Currier, Gould, Hamlin of Dummer, Fraser, Evans of Lancaster, Johnson of Milan, Baker, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Hazelton, Hepworth, Eldredge, Elwell, Richards, Sanborn of Fremont, Weeks of Greenland, Root, Merrill, Underwood, Parmenter, Carter of North Hampton, Johnson of Northwood, Colcord, Foote, Yeaton, Laraba, Ingraham of Portsmouth, Peever, True, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Felker, Smalley, Henderson of Durham, Parker, Webster, Wormhood, Dustin, Studley, Green of Rollinsford.

BELKNAP COUNTY: McAllister, Obert, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Tilton of Laconia, Shannon, Ewing, Ransom, Smith of Meredith, Atwood.

CARROLL COUNTY: Washburn, Hill, Lucy, Thompson of Effingham, Wild, Banfield, Wiggin, Knox, Hodgdon, Sanborn of Wakefield, Hart of Wolfeboro.

MERRIMACK COUNTY: Nicoll, Moore, Rancour, Marden, Besse, Kennedy of Concord, Hurd, Saltmarsh, Greene of Concord, Roby, Towle, Chase, Lorden, Connor of Henniker, Kenney, Ferguson, Holmes of Salisbury, Yerxa, Stebbins.

### Nays, 176

HILLSBOROUGH COUNTY: Wilson, Black, Farwell, Ellsworth, Reed of Goffstown, Tirrell, Spaulding of Hudson, Danforth, Geisel, Connor of Manchester, Dwyer, Fitzgerald, Betley, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of Manchester, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Zyla, Downey, O'Connor, Sullivan of Manchester, Ward 7, Delisle, Kane, Roy of Manchester, Simard, Cary, Gagnon of Manchester, Getz, McPhail, Roche, Roukey, April, LaFlamme of Manchester, Lareau, Vaillancourt, Daniels of Manchester, Gauthier, Thibo-

deau, Donnelly, Wedick, Falconer, Boire, Landry, Belcourt, Goulet, Brosnahan, Spalding of Nashua, Chasse, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Janelle, Cote, Shedd, Bigelow, Cummings of Peterborough, Barry.

CHESHIRE COUNTY: Willard, Erwin, Smith of Keene, Pickett, Hall, Forbes, Lang.

SULLIVAN COUNTY: Baron, Riley, Nelson, Walker of Grantham, Holmes of Langdon, Cummings of Newport, Downing, Gardner of Springfield.

GRAFTON COUNTY: Wadhams, Brown of Ashland, Eggleston, Sommers, Ashley, Cole, Jones of Lebanon, Madden, Gardner of Littleton, Kelley of Littleton, Pushee, Anderson.

COOS COUNTY: Dussault, Hinchey, Mason, Moffett, Desilets, Henderson of Berlin, Lazure, Bartlett, Brungot, Christiansen, Bouchard, Fontaine, Gagnon of Berlin, Roy of Berlin, Falkenham, Kimball, Moses, Ellingwood, Potter, Converse of Pittsburg, Phelan, Hinman.

ROCKINGHAM COUNTY: Persson, Clark, Heon, Fecteau, Rathbone, Stevens, LaBranche of Newmarket, Alessi, Dondero, Payette, Leary, Bluitte, Haigh.

STRAFFORD COUNTY: Redden, Gouin, Marcotte, Dodge, Stocklan, Flanagan, Horne, Rolfe, St. Pierre, LaCasse, Leach, Lagueux, LeTourneau, Cater of Somersworth, Malley, Brown of Strafford.

BELKNAP COUNTY: Dearborn, Normandin, Simoneau, Keller, Thompson of Laconia, Brown of Laconia, Smith of New Hampton, Bruno.

CARROLL COUNTY: Downs, MacGowan, Remick.

MERRIMACK COUNTY: Couture, Phelps, Coakley, Ferrin, Corbett, Bunten, Roby, Blodgett, Nawn, Sawyer of Concord, Sargent, Burke, LaBranche of Franklin, Dudevoir, Mullaire, Carr, Bellerose, Lea, Savory.

And the motion to substitute the report of the minority ought to pass for the report of the majority, inexpedient to legislate, did not prevail.

The question being on the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Reconsiderations

Mr. Janelle of Nashua moved that the House reconsider the vote whereby it adopted the resolution of the committee, inexpedient to legislate House Bill No. 375.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Ingham of Winchester moved that the House reconsider the vote whereby it voted as inexpedient to legislate, House Bills Nos. 351, 357 and 397.

On a *viva voce* vote the motion to reconsider did not prevail.

### Committee Report.

On motion of Mr. Fuller of Hanover the rules were suspended to allow the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 365, An act to equalize educational opportunities and to improve the educational offerings of the public, elementary and high schools, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by striking out in the ninth line the words, "which shall be" and inserting in place thereof, the word, as; further amend said section by striking out in the tenth line the words, "the board as representing a fair rate of local contribution" and inserting in place thereof the words, this act; further amend said section by striking out in the twenty-second and twenty-fourth lines the words, "the board" and inserting in place thereof the words, this act; further amend said section by striking out in the twenty-sixth and twenty-eighth lines the word, "ten," and inserting in place thereof the word, eight; further amend said section by striking out in the twenty-ninth and thirtieth lines, and in the thirty-fourth line, the words, "other than a co-operative dis-



trict"; further amend said section by striking out after the word, "eligibility" in the thirty-sixth line the words, "all elements in this section which constitute the formula for determining the state aid which a district may receive may be changed from time to time by the board if, in the opinion of the board, a more equal distribution of aid may be accomplished thereby. The board shall notify all school districts affected by such a change and no such change shall become effective until the school year after the February first next following the notification of such change"; further amend said section by inserting after the word, "approved," in the forty-fourth line the word, public; further amend said section by striking out all after the word "appropriations" in the fiftieth line and inserting in place thereof the following: 11. *Exception.* The State Board shall withhold from such general distribution ten per cent of the appropriation for state aid, which shall be used to furnish additional aid to districts where special need exists in maintaining satisfactory elementary and secondary schools as determined by the state board of education provided, however, no district shall receive additional aid having a school tax rate less than the average school tax rate for the state for the preceding year computed by dividing the local tax assessment for school purposes by the total equalized valuation of the district, so that said section as amended shall read as follows:

2. *Declaration of Policy.* Amend sections 9, 10 and 11 of chapter 140 of the Revised Laws as amended by section 2 of chapter 198 of the Laws of 1947 by striking out said sections and inserting in place thereof the following:

9. *State Aid.* To aid local school districts in financial support of schools, the state board shall provide to each district, out of state funds appropriated to carry out the provisions of this title, equalization aid necessary to pay any remaining costs of the required program of elementary and high school education over and above a specified tax rate for school purposes on the equalized valuation of each district, as determined by this act. For the purposes of this section, the formula to determine the required programs shall be the sum of three thousand dollars annually for each approved one-room school with an average daily membership of twenty or more pupils or that fraction of three thousand dollars repre-

sented by the average daily membership divided by twenty for those approved one-room schools with an average daily membership of less than twenty pupils, and for all other approved schools one hundred seventy-five dollars annually per elementary pupil and two hundred twenty-five dollars annually for each high school pupil in average daily membership. Any district which raises a tax for school purposes of less than six dollars per thousand of the district's equalized valuation shall be ineligible to receive any equalization aid. Any district which raises a tax between six dollars per thousand and the rate specified by this act as a fair rate of local contribution shall receive that fraction of the equalization aid to which it would otherwise be entitled which is represented by its tax rate for school purposes divided by the rate specified by this act. A district's aid shall be computed upon the basis of the difference between its foundation program as determined by the above formula and the proceeds of an eight dollar per thousand levy on its equalized valuation or its expenditures for school purposes for the previous fiscal year and the proceeds of an eight dollar per thousand levy on its equalized valuation, whichever sum is lower. No district which received state aid in the previous year may receive an increase in state aid in any one year which is over twenty per cent of its state aid for the previous year unless it shall have submitted to the commissioner proof of its need for exemption from this limitation which he shall have approved. A district which receives no state aid in any one year and which subsequently becomes eligible for state aid may receive no more than twenty per cent of its equalized aid in its first year of eligibility. Such aid shall be paid to the district legally responsible for the education of the elementary pupils and high school students who attend approved public schools within the district or in other districts on the basis of average membership during the preceding year.

10. *Prorating.* If in any year the approved claims of the several districts entitled to state aid shall be in excess of the appropriation, an equal percentage reduction in the amount of the allotments shall be made so as to bring the total amount of the grants within the limit of the appropriations.

11. *Exception.* The State Board shall withhold from such general distribution 10 per cent of the appropriation for

state aid, which shall be used to furnish additional aid to districts where special need exists in maintaining satisfactory elementary and secondary schools as determined by the State Board of Education provided, however, no district shall receive additional aid having a school tax rate less than the average school tax rate for the state for the preceding year computed by dividing the local tax assessment for school purposes by the total equalized valuation of the district.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed under Rule 46.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their titles only, and joint resolution by their captions.

### Third Readings

House Bill No. 162, An act relative to payments to towns for flood control.

House Bill No. 424, (in new draft), An act relative to registration of outboard motors.

Severally read a third time and passed and sent to the Senate for concurrence.

### Reconsideration

Mr. Myhaver of Peterborough moved that the House reconsider the vote whereby it passed House Bill No. 424.

On a *viva voce* vote the motion to reconsider did not prevail.

House Joint Resolution No. 13, Joint resolution in favor of Samuel W. Tenofsky.

House Joint Resolution No. 31, Joint resolution in favor of Alfred M. Jenness.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Joint Resolution No. 6, Joint resolution in favor of Benjamin F. Greer.

Senate Bill No. 8, (in new draft), An act in amendment of the laws relative to the Union School District in Concord.

Senate Joint Resolution No. 13, Joint resolution in favor of Blanche B. Couture.

Senate Joint Resolution No. 17, Joint resolution in favor of Luigi Cilli.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mrs. Ramsdell of Nashua at 2:05 o'clock the House adjourned.

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WEDNESDAY, JUNE 1, 1949

The House met according to adjournment.

Prayer was offered by the Rt. Rev. Charles F. Hall, Bishop of Episcopal Church of New Hampshire.

Almighty God, who knowest the hearts of all Thy children, mercifully guide and govern the minds of these Thy servants. Grant that they may stand before the demands of these testing times with a fearless and faithful spirit. Give them such wisdom from on high that casting aside all selfish interests they may secure judgments and decisions agreeable to Thy will; through Jesus Christ our Lord. Amen.

#### **Leave of Absence**

Mrs. McPhail of Manchester was granted leave of absence for the day on account of illness in her family.

#### **Veto Message from the Governor**

The Honorable Secretary of State, Enoch D. Fuller, appeared and laid before the House the following veto message from His Excellency, the Governor:

June 1, 1949

*To the Honorable House of Representatives:*

I return to you, without my approval, House Bill No. 466, An act relative to the legal length of motor busses.

This bill extends the length of busses legally operated on

our highways to forty feet, regardless of the character, condition, or width of the road on which they may be operated. Most of these roads are of "high-crowned" construction, with grades and curves that are not adapted to the use of a vehicle of such length. Forty feet is five feet greater in length than that now allowable for a single unit truck in this State. Such vehicles, having only one fulcrum, would obviously require a larger turning radius. In this respect these busses are unlike the large trailer trucks now permitted on the highways because such trucks have an additional fulcrum for turning movements and can be more safely turned on our type of roads.

Since this measure came to my attention, I have requested the Motor Vehicle and State Police Departments to investigate the problem further. Upon careful consideration, the officials of both law enforcement agencies have reported that this measure is inconsistent with the public safety. My attention has also been called to the fact that it is now imperative to discontinue further increases in the weight and dimensions of motor vehicles authorized to operate on our highways. This measure, if enacted, might be only one in a series of proposals for extending further the dimensions of such vehicles to operate on highways inadequate to afford reasonable protection and safety to others who have equal rights to the open road.

I am informed that a similar measure in Massachusetts will receive the study of an Interim Commission. If this legislature feels that this matter deserves such study in our State I would endorse it. However, until such a time as our roads are adequate to accommodate busses of such a length, I feel that it is my duty to withhold approval of such legislation.

SHERMAN ADAMS,  
*Governor.*

The question being, Shall the bill pass notwithstanding the veto of His Excellency, the Governor?

(Discussion ensued)

Mr. Sullivan of Ward 6, Manchester, spoke against the message.

The roll was called with the following result:

## Yeas, 100

ROCKINGHAM COUNTY: Rathbone, Richards, Root, Alessi, Hobbs, Leary, Ingraham of Portsmouth, Durkee, Redden, Gouin, Grimes, Marcotte, Dodge, Stocklan, Flanagan, St. Pierre, Lagueux, Letourneau, Coffin, Cater of Somersworth, Malley.

BELKNAP COUNTY: Simoneau, Shannon.

CARROLL COUNTY: None.

MERRIMACK COUNTY: Nicoll, Ferrin, Colbath, Burke, LaBranche of Franklin, Dudevoir, Lea.

HILLSBOROUGH COUNTY: Farwell, Connor of Manchester, Dwyer, Sweeney, Fitzgerald, Nolan, Betley, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of Manchester, Casey, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Downey, Leclerc, O'Connor, Sullivan of Manchester, Ward 7, Delisle, Kane, Roy of Manchester, Simard, Cary, Gagnon of Manchester, Auger, Getz, Roche, Roukey, April, LaFlamme of Manchester, Lareau, Vailancourt, Chapdelaine, Daniel of Manchester, Gauthier, Thibodeau of Manchester, Cannon, Donnelly, Wedick, Boire, Belcourt, Brosnahan, Spalding of Nashua, Chasse, Maynard, Dionne, Paquette, Shea of Nashua, Lavoie, Grandmaison, Janelle, Cote, Cummings of Peterborough, Barry.

CHESHIRE COUNTY: Pickett.

SULLIVAN COUNTY: Angus, Baron, Walker of Grantham, Rowell, Russell.

GRAFTON COUNTY: Grass, Edson.

COOS COUNTY: Hinchey, Desilets, Henderson of Berlin, Lazure, Fontaine, Potter.

## Nays, 251

ROCKINGHAM COUNTY: Griffin, Graves, Persson, Hazelton, Fitch, Clark, Corson, Heon, Hepworth, Fecteau, Eldredge, Elwell, Sanborn of Fremont, Weeks of Greenland, Underwood, Stevens, Parmenter, LaBranche of Newmarket, Carter of North Hampton, Johnson of Northwood, Colcord, Dondero,

Payette, Durell, Foote, Yeaton, Laraba, Bluitte, Haigh, Peever, True, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Smalley, Crandall, Henderson of Durham, Parker, Webster, Wormhood, Horne, Rolfe, Dustin, Jones of Rochester, Lacasse, Studley, Fernald, Leach, Green of Rollinsford, Brown of Strafford.

BELKNAP COUNTY: McAllister, Dearborn, Obert, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Tilton of Laconia, Keller, Brown of Laconia, Ewing, Ransom, Smith of Meredith, Smith of New Hampton, Atwood.

CARROLL COUNTY: Washburn, Downs, Hill, Lucy, Thompson of Effingham, MacGown, Wild, Banfield, Wiggin, Knox, Remick, Hodgdon, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Couture, Moore, Rancour, Marden, Coakley, Besse, Flynn, Kennedy of Concord, Hurd, Nash, Corbett, Saltmarsh, Tilton of Concord, Bunten, Greene of Concord, Roby, Blodgett, Nawn, Sawyer of Concord, Sargent, Towle, Chase, Lorden, Connor of Henniker, Mullaie, Kenney, Carr, Ferguson, Stapleton, Holmes of Salisbury, Yerxa, Savory, Stebbins.

HILLSBOROUGH COUNTY: Tracy, Wilton, French, Black, Ellsworth, Jones of Francestown, Hambleton, Reed of Goffstown, Tirrell, Adams of Greenfield, Doonan, English, Boynton, Crosby, Goodwin of Hollis, Goodwin of Hudson, Spaulding of Hudson, Reid of Litchfield, Corliss, Daniels of Manchester, Kennedy of Manchester, Danforth, Geisel, Sawyer of Manchester, Martel, Kean, Peaslee of Merrimack, Falconer, Wadleigh, Fletcher, Atherton, Cooper, Ramsdell, Landry, Goulet, Marquis, Betters, Dupont, Cormier, Shedd, Thompson of New Ipswich, Bigelow, Myhaver, Osborne.

CHESHIRE COUNTY: Ring, Thomas, Walker of Hinsdale, Spofford, Perry of Jaffrey, Aldrich, Williard, Amadon, Landers, Darling, Erwin, Turner, Zimmerman, Hall, Forbes, Tolman, Andrews, Sherwin, Blake, Kershaw, Lank, Killeen, Billings, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Perkins, Converse of Claremont, Bissonnett, Nelson, Holmes of Langdon, Wirkkala, Cummings

of Newport, Read of Plainfield, Gardner of Springfield, Callum, Williams of Washington.

**GRAFTON COUNTY:** Wadhams, Brown of Ashland, Chamberlin of Bath, Whittier, Wheeler, Willey, Eggleston, Dunbar, Williams of Grafton, Atkins, Fuller, Holden, Chamberlin of Haverhill, Clough, Perry of Haverhill, Sommers, Oakes, Adams of Lebanon, Ashley, Cole, Dwinell, Jones of Lebanon, Madden, Collins, Hamilton, Gardner of Littleton, Kelley of Littleton, Orr, Pushee, Bell, Loizeaux, Barney, Anderson, Sawyer of Woodstock.

**COOS COUNTY:** Dussault, Mason, Moffett, Bartlett, Brungot, Christiansen, Bouchard, Gagnon of Berlin, Roy of Berlin, Currier, Gould, Falkenham, Hamlin of Dummer, Fraser, Kimball, Evans of Lancaster, Moses, Johnson of Milan, Baxter, Ellingwood, Converse of Pittsburg, Phelan, Baker, Hinman, Taylor.

And the veto of the Governor was sustained.

Mr. Sullivan of Manchester, Ward 6, moved that House Bill No. 466 be recommitted to the Committee on Judiciary in accordance to the Governor's message.

The question being on the motion of Mr. Sullivan.

(Discussion ensued)

Mr. Sullivan of Manchester, Ward 6, spoke in favor of the motion.

Messrs. Myhaver of Peterborough and Sanborn of Wakefield, spoke against the motion.

On a *viva voce* vote the motion of Mr. Sullivan did not prevail.

#### Recalled from the Governor

On motion of Mr. Myhaver of Peterborough, House Bill No. 361, An act relating to fees on motor vehicles of heavy weight, was recalled from the Governor.

On motion of the same member, House Bill No. 361 was laid upon the table.

#### Motion

Mr. Atherton of Nashua moved that the rules be suspended to allow the Committee on Appropriations to hold



public hearings Thursday, June 2 at 10:00 A. M. on the following bills and joint resolution without advertising in the Journal.

House Bill No. 516, An act to supplement the appropriation for the Legislative Department.

House Joint Resolution No. 16, Joint resolution in favor of the town of Errol.

Senate Bill No. 130, An act relating to a cost of living bonus for state employees.

Senate Joint Resolution No. 8, Joint resolution in favor of Samuel Jovin.

On a *viva voce* vote the motion prevailed.

### Committee Reports

Mr. Desilets of Berlin, for the Committee on Municipal and County Government, to whom was referred House Bill No. 395, An act relating to public welfare and relief, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Municipal and County Government, to whom was referred House Bill No. 395, An act relating to public welfare and relief, and being unable to agree with the majority, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the definition of the word, resident, in section 1 of chapter 124 of the Revised Laws as inserted by section 1 of the bill by striking out the words, "a year" and inserting in place thereof the words, one day, so that said definition as amended shall read as follows:

A resident of a town is a person who has had his home in that town for one day or more.

JOSEPH F. SMITH,  
RAY S. SAWYER,  
IRENE LUCY,  
FRED GREEN,  
ERNEST R. UNDERWOOD,  
*A Minority of the Committee.*

The reports were accepted.

Mr. Underwood of Hampton moved to substitute the report of the minority, ought to pass, for the report of the majority, inexpedient to legislate.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Underwood of Hampton and Sawyer of Manchester, spoke in favor of the motion to substitute.

Mrs. Brungot of Berlin and Mr. Saltmarsh of Concord spoke against the motion to substitute.

Mr. Saltmarsh of Concord moved that the bill and amendment be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Coakley of Concord and Pickett of Keene, spoke in favor of the motion to indefinitely postpone.

Mr. Clough of Haverhill spoke against the motion to indefinitely postpone.

On a *viva voce* vote the motion to indefinitely postpone prevailed.

### **Taken from the Table**

On motion of Mr. Fuller of Hanover, House Bill No. 365, was taken from the table.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 365, An act to equalize educational opportunities and to improve the educational offerings of the public, elementary and high schools, reported the same with the amendment as printed in the Journal of May 31, on pages 13, 14 and 15, and the recommendation that the bill as amended ought to pass.

The report was accepted.

Mr. Laraba of Portsmouth moved that the bill with the amendment pending be laid upon the table, and made a special order for Thursday, June 2, at 11:01 o'clock.

The question being on the motion.

(Discussion ensued)

Messrs. Laraba of Portsmouth, Pickett of Keene, Fuller of Hanover, Tracy of Amherst, Atherton of Nashua, Turner

of Keene, Sanborn of Wakefield and Grass of Franconia, spoke in favor of the motion.

Mr. Hart of Wolfeboro moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion of Mr. Laraba of Portsmouth.

On a *viva voce* vote the motion prevailed, and the bill with the amendment pending was laid upon the table, and made a special order.

### Special Order

Mr. Rowell of Newport called for the special order, it being House Bill No. 399 (in new draft and with new title), An act relating to minimum wages for certain employees.

Mrs. Christiansen of Berlin, for the Committee on Labor, to whom was referred House Bill No. 399, An act relative to minimum wage standards, reported the same in new draft and with new title, with the recommendation that the bill in its new draft and with its new title ought to pass.

The report was accepted.

Mr. Gouin of Dover offered the following amendment:

Amend section 25 of chapter 213 of the Revised Laws, as inserted by section 1 of the bill, by striking out the words, "hotel, restaurant, cabin" so that said section 25 as amended shall read as follows:

25. *Minimum Wages.* No person, firm or corporation shall employ any employees at a rate of less than fifty cents per hour provided that this limitation shall not apply to employees engaged in household labor, domestic labor, farm labor, and outside salesmen.

The question being on the amendment.

(Discussion ensued)

Messrs. Gouin of Dover, Malatras, Danforth, Sullivan, Ward 6, and Sullivan, Ward 7, Manchester, Kennedy of Manchester, Angus of Claremont and Mrs. Brungot of Berlin, spoke in favor of the amendment.

Messrs. Hart of Wolfeboro, Fernald of Rochester, Fletcher of Mont Vernon and Goodwin of Hudson, and Mrs. Wild of Jackson, spoke against the amendment.

Mr. Boynton of Hillsborough moved the previous question. The question being, Shall the main question now be put? On a *viva voce* vote the previous question was ordered.

The question being on the amendment offered by Mr. Gouin of Dover.

Mr. Kennedy of Manchester asked for a division.

A division being had, 171 members having voted in the affirmative, and 163 members having voted in the negative, the amendment was adopted, and the bill ordered to a third reading.

Mr. Gouin of Dover moved that the rules be suspended, and House Bill No. 399, be put upon its third reading, by title, at the present time.

The question being on the motion of Mr. Gouin.

Mr. Sanborn of Wakefield asked for a division.

A division being had, 196 members having voted in the affirmative, and 123 members having voted in the negative, and less than two thirds of the members having voted in the affirmative or negative, the motion to suspend the rules did not prevail and the bill was ordered to a third reading.

### Notice

Mrs. Studley of Rochester served the following notice.

A special meeting of the Strafford County Convention will be held in the gallery of the House, on Tuesday, June 7, immediately following the session, for the purpose of considering a bond issue for the County of Strafford.

JAMES MALLEY,

*Chairman of County Convention.*

MRS. NORMA STUDLEY,

*Clerk of County Convention.*

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their titles, only, and joint resolution by their captions.

### Third Readings

House Bill No. 399 (new draft and title), An act relative to minimum wage standard.

Read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mrs. Brungot of Berlin moved that the House reconsider the vote whereby it passed House Bill No. 399.

On a *viva voce* vote the motion to reconsider did not prevail.

On motion of Mr. Corson of Derry at 2:00 o'clock the House adjourned.

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THURSDAY, JUNE 2, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O Lord God of hosts, in these days of conflicting loyalties and differences of opinion, bring us into harmonious fellowship with one another by drawing us closer to Thyself. Remind us always that we are Thy children, heirs of Thy providence and guidance. May we ever have that faith and trust in Thee of true sons and daughters, fully realizing that loyalty to Thee, our Father, will mean naught else but good will among ourselves. We ask it in the name of Jesus Christ, Amen.

### Leaves of Absence

Messrs. Stocklan of Dover, Durkee of Seabrook and Farmer of Newport were granted leave of absence for the day on account of important business.

Mrs. Richards of Exeter and Mrs. Studley of Rochester were granted leave of absence for the day on account of attending a funeral.

### Introduction of Bills

The following bill and joint resolution were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Joint Resolution No. 34, in favor of the Estates of Maurice A. Roberts, Shirley S. Philbrick and John M. Tewksbury. To the Committee on Appropriations.

Read a first and second time.

Mr. Johnson of Northwood moved that the rules be suspended, printing and reference to a committee of House Joint Resolution No. 34, be dispensed with.

On a *viva voce* vote the motion prevailed.

On motion of the same member the rules were further suspended and the joint resolution read a third time, by caption, and final passage at the present time.

The joint resolution was read a third time and passed and sent to the Senate for concurrence.

By the Committee on Rules, House Bill No. 525, An act to legalize proceedings of certain towns, school districts and county delegations, and to authorize other municipal action. To the Committee on Municipal Government.

Read a first and second time, laid upon the table to be printed and referred to the Committee on Municipal and County Government.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled joint resolutions and bills:

Senate Joint Resolution No. 6, Joint resolution in favor of Benjamin F. Greer.

Senate Joint Resolution No. 17, Joint resolution in favor of Luigi Cilli.

House Bill No. 99, An act to increase the salaries of the assessors of the city of Concord.

House Bill No. 428, An act relative to purchases by the purchasing agent.

Senate Bill No. 93, An act relating to the municipal budget law and the duties of officials thereunder.

Senate Bill No. 105, An act relative to the state racing commission and rules and regulations of said commission.

House Bill No. 107, An act relating to shooting human beings while hunting.

House Bill No. 113, An act relating to the surveyor of the city of Manchester.

Senate Bill No. 116, An act relative to crude petroleum.

Senate Bill No. 118, An act defining "highway building equipment" under the motor vehicle laws.

House Bill No. 180, An act providing for the manufacture or sale of colored oleomargarine.

House Bill No. 258, An act relative to maintenance of recreational roads.

House Bill No. 282, An act for aid in the development of the port of Portsmouth.

House Bill No. 361, An act relative to fees for special permits to move objects or vehicles and loads.

House Bill No. 449, An act relative to the emotionally or mentally ill.

House Bill No. 494, An act relative to non-resident students at the University of New Hampshire.

House Bill No. 474, An act relative to state bridge aid.

House Bill No. 506, An act relating to turning movements by motor vehicles on public highways.

House Bill No. 509, An act relating to restricted instruction permit for motor vehicle operators.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 102, An act licensing child-placing and child-caring agencies, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 3 of chapter 130 as inserted by section 1 of the bill by striking out the ninth, tenth and eleventh lines and inserting in place thereof the following: custody or control of a child which child has been placed in such person's home by a licensed child-placing agency or by such child's parent or guardian, with a view to adoption.

Amend section 5 of said chapter 130 as inserted by section 1 of the bill by striking out the seventh, eighth, ninth and

tenth lines and inserting in place thereof the following: or refusal to grant or renew a license shall be sent by registered mail to the licensee or applicant together with a statement of the right of the licensee or applicant to request a hearing before the board of public welfare within seven days from the receipt.

Amend section 8 of said chapter 130 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

8. *Record.* The department of public welfare shall keep a record of licenses issued by the commissioner under the provisions of this chapter. When a license is issued to a child-caring agency, said department shall give notice to the board of health of the city or town in which the licensee is located stating the granting of such license and its terms. A like notice shall be given of any revocation of such license.

Amend section 10 of said chapter 130 as inserted by section 1 of said bill by striking out said section and inserting in place thereof the following:

10. *Notice of Death.* In the case of death of any child under the control of any licensed child-caring agency, the licensee shall give notice thereof to the department of public welfare within twenty-four hours thereafter stating the date and cause of death, duration of the last illness and the names and addresses of the attending physician and undertaker.

Amend section 12 of said chapter 130 as inserted by section 1 of said bill by striking out said section and inserting in place thereof the following:

12. *Prosecution.* Upon receipt of such notice, the department of public welfare may, and said solicitor or police authorities shall, immediately investigate the case and it shall be the duty of said solicitor or police authorities to cause the custodian of such child to be prosecuted if probable cause therefor appears.

On motion of Mr. Thibodeau of Wolfeboro the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.



### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to non-concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 434, An act providing for the adoption of a council-manager form of government for the city of Manchester.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 524, An act relative to the salaries of the commissioners of Rockingham county.

House Bill No. 113, An act relating to the surveyor of the city of Manchester.

House Bill No. 258, An act relative to maintenance of recreational roads.

House Bill No. 282, An act for aid in the development of the port of Portsmouth.

House Bill No. 286, An act relating to the Atlantic States Marine Fisheries Commission.

House Bill No. 449, An act relative to the emotionally or mentally ill.

House Bill No. 474, An act relative to state bridge aid.

House Bill No. 509, An act relating to restricted instruction permit for motor vehicle operators.

House Bill No. 99, An act to increase the salaries of the assessors of the city of Concord.

House Bill No. 283, An act relating to licenses for hotels.

House Bill No. 400, An act to revise the charter of the city of Franklin.

House Bill No. 481, An act relative to merit ratings under the unemployment compensation system.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which

amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 278, An act relating to the taking of striped bass, and prohibiting the sale of oysters from certain waters.

Amend the bill by striking out section 2 thereof.

Further amend the bill by renumbering sections 3 and 4 to read sections 2 and 3.

On motion of Mr. Hobbs of Portsmouth the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 245, An act relative to communicable diseases.

Amend the bill by inserting after section 11 the following new section:

12. *Mode of Treatment.* Nothing in this act shall be construed to empower or authorize a health officer or his designated agent to restrict in any manner the individual's right to select the mode of treatment of his choice nor to require any physical examination or medical treatment of a patient who in good faith relies upon spiritual means or prayer for healing, nor shall such reliance or treatment be considered a danger or menace to others under any provisions of this act, provided that the sanitary and quarantine laws, rules and regulations relating to infectious, contagious and communicable diseases are complied with.

Further amend by renumbering section 12 to read section 13.

On motion of Mr. Besse of Concord the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 476, An act providing for the classification of certain surface waters.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2. *Amendment.* Amend chapter 166-A of the Revised

Laws as inserted by chapter 183, Laws of 1947, by inserting after section 4 the following new section: 4-a. *State Guarantee*. In view of the general public benefits resulting from the elimination of pollution from the public waters of the state, the governor and council are authorized in the name of the state of New Hampshire to guarantee unconditionally, but at no time in excess of the total aggregate sum for the entire state of five million dollars (\$5,000,000), the payment of all or any portion, as they may find to be in the public interest, of the principal of and interest on any bonds or notes issued by any municipality, town, city, county, or district for construction of sewage systems, sewage treatment and disposal plants, or other facilities necessary, required or desirable for pollution control, and the full faith and credit of the state are pledged for any such guarantee. The state's guarantee shall be endorsed on such bonds or notes by the state treasurer; and all notes or bonds issued with state guarantee shall be sold (1) at public sealed bidding, (2) after publication of advertisement for bids (3) to the highest bidder. Any and all such bids may be rejected and a sale may be negotiated with the highest bidder. In the event of default in payment of any such notes or bonds, the state may recover any losses suffered by it by action against the town as provided in chapter 402 of the Revised Laws.

On motion of Mr. Besse of Concord the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 488, An act to revise the charter of the city of Claremont.

Amend section 3 of said bill by striking out the word "city" in the fifth line.

Amend section 42 of said bill by inserting after the word

“as” in the third line the words, shall arise from its use thereof, and,

Further amend said bill by striking out all of section 46 after the word “thereby.”

Further amend said bill by inserting after section 46 the following new section:

47. *Repeal.* Sections 1, 2, 5, 7, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69 of chapter 392 of the Laws of 1947 are hereby repealed and all other provisions of law inconsistent herewith are hereby repealed to the extent of such inconsistency.

Further amend said bill by renumbering sections 47 to 50 inclusive to read 48 to 51 inclusive.

On motion of Mr. Angus of Claremont the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

Senate Bill No. 81, An act relating to separate maintenance.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Separate Maintenance.* Amend section 29 of chapter 339 of the Revised Laws by striking out the same and inserting in place thereof the following: 29. *Orders for Support.* Whenever either party is insane, or whenever a cause is in existence which is, or if continued will be, a cause for divorce, the superior court, upon petition and such procedure thereon as in divorce cases, may restrain either party from interfering with the personal liberty of the other and from entering the tenement wherein the other resides, may grant temporarily or permanently the custody, care, education and maintenance of their minor children, if any, and may make reasonable allowance for support, all subject to such limitations and conditions as the court shall deem just.

Further amend said bill by adding at the end thereof the following:

3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Laraba of Portsmouth the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 401, An act relating to notice of tax sales.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Tax Sales.* Amend chapter 80 of the Revised Laws by inserting after section 26 the following new section: 26-a. *Real Estate Subject to Liens for Old Age Assistance.* No tax sale of real estate upon which there is a

On motion of Mr. Laraba of Portsmouth the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 414, An act providing a council-manager plan charter for the city of Concord.

Amend section 21 of the bill by striking out the words "two overseers of the poor," and inserting in place thereof the words, one overseer of the poor for Wards 2-9 inclusive, one overseer of the poor for Ward 1, so that said section as amended shall read:

21. *Appointive Officers.* There shall be appointed by the manager, three assessors, a city clerk, treasurer, police chief, fire chief, city solicitor, one overseer of the poor for Wards 2-9 inclusive, one overseer of the poor for Ward 1, and such other officers as are necessary to administer all departments which the council shall establish, which departments shall replace all existing departments, boards and commissions. The powers and duties of these officers and heads of departments so

appointed shall be those prescribed by state law, by this chapter, or by ordinance.

On motion of Mr. Coakley of Concord the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 501, An act to revise the charter of the city of Concord.

Amend section 19 of the bill by striking out the words "two overseers of the poor," and inserting in place thereof the words, one overseer of the poor for Wards 2-9 inclusive, one overseer of the poor for Ward 1; so that said section as amended shall read:

19. *Appointive Offices.* The mayor shall appoint a business administrator, a city clerk, a treasurer, three assessors, a fire chief, a health officer, a city solicitor, one overseer of the poor for Wards 2-9 inclusive, one overseer of the poor for Ward 1, and such other officers as may be necessary to administer all departments which the board of aldermen shall establish.

On motion of Mr. Coakley of Concord the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 78, An act relative to low rent housing.

Senate Bill No. 108, An act relative to the operation of Bear Brook State Park.

Senate Bill No. 110, An act relative to employees of the fish and game department.

Senate Bill No. 131, An act relative to partition proceedings.

Senate Bill No. 133, An act providing for mutual aid service in connection with fires.

Senate Bill No. 134, An act relative to bounties on porcupines.

Senate Bill No. 135, An act relative to the incorporation of Granite Lodge No. 1056, Loyal Order of Moose of Berlin, New Hampshire.

Senate Bill No. 137, An act relative to rights of village districts to collect garbage.

### **Senate Bills Read and Referred**

Senate Bill No. 78, An act relative to low rent housing.

Senate Bill No. 131, An act relative to partition proceedings.

Severally read a first and second time and referred to the Committee on Judiciary.

Senate Bill No. 108, An act relative to the operation of Bear Brook State Park.

Read a first and second time, and referred to the Committee on Forestry and Recreation.

Senate Bill No. 110, An act relative to employees of the fish and game department.

Senate Bill No. 134, An act relative to bounties on porcupines.

Severally read a first and second time, and referred to the Committee on Fisheries and Game.

Senate Bill No. 133, An act providing for mutual aid service in connection with fires.

Read a first and second time, and referred to the Committee on Municipal and County Government.

Senate Bill No. 135, An act relative to the incorporation of Granite Lodge No. 1056, Loyal Order of Moose of Berlin, New Hampshire.

Read a first and second time, and referred to the Committee on Executive Departments and Administration.

Senate Bill No. 137, An act relative to rights of village districts to collect garbage.

Read a first and second time, and referred to the Committee on Public Health.

### Committee Reports

Mr. Spaulding of Hudson, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 124, An act relative to lease receipts on land taken for flood control, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the words "public roads therein" in line 19 and inserting in place thereof the word, town, so that said section as amended shall read as follows:

1. *Lease Receipts.* Amend chapter 4 of the Revised Laws as amended by chapter 41 of the Laws of 1945 by adding at the end thereof the following new sections: 7. *Disbursement of Lease Receipts by State.* Whenever the state treasurer shall have funds in his possession paid by the United States on account of leasing of land acquired by the United States for flood control purposes, he shall forthwith remit said funds to the treasurers of the counties in which the leased lands lie, in proportion to the area of such leased land which lies in each such county as shown by the comprehensive plan for flood control of the New England division-corps of Engineers and the governor is authorized to draw his warrant for said purposes. 8.....; *by Counties.* Whenever any county treasurer shall have in his possession funds received from the state treasurer under the provisions of section 7, he shall forthwith remit said funds, in proportion to the area of such leased land which lies in each town in said county, as shown by the comprehensive plan for flood control of the New England division-corps of engineers, as follows: I. To the treasurer of the school district of those towns which are co-extensive with such school district, for the benefit of the schools therein; II. To the treasurer of the town of those towns with which the school district is not co-extensive, for the benefit of the town.

The report was accepted.

The question being on the amendment.

Mr. Johnson of Northwood moved that the amendment be not adopted.



The question being on the motion of Mr. Johnson.

(Discussion ensued)

Messrs. Johnson of Northwood and Spaulding of Hudson, spoke in favor of the motion.

On a *viva voce* vote the amendment was not adopted.

The bill was ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 130, An act relating to taking hares and rabbits, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Hares and Rabbits.* Amend section 17 of chapter 242 of the Revised Laws as amended by chapter 58 of the Laws of 1943 by striking out said section and inserting in place thereof the following: 17. *Taking: Limit.* Hares and rabbits may be taken and possessed from October first to March first. No person shall take more than three hares and five cotton-tail rabbits in one day, and the total number of hares and cotton-tail rabbits taken in one day shall not exceed five. No person shall take hares and rabbits by the use of a snare.

Further amend said bill by inserting after section 1 the following new section:

2. *Fish and Game Director.* Amend chapter 242 of the Revised Laws by inserting after section 17 the following new section: 17-a. *Power to Close any Area.* Notwithstanding the other provisions of this chapter, the director, for the purpose of propagation, shall have power and authority to close any area in the state for taking hares and rabbits for a period not exceeding ninety days in any one calendar year.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Dwinell of Lebanon, for the Joint Committee on Forestry and Recreation and Ways and Means, to whom was referred House Bill No. 499, An act relating to forest conservation and taxation, reported the same, in new draft, with

the recommendation that the bill, in its new draft, ought to pass.

The undersigned, a minority of the Joint Committee on Forestry and Recreation and Ways and Means, to whom was referred House Bill No. 499, An act relating to forest conservation and taxation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

M. J. DOWNING,

*A Minority of the Committee.*

The bill, in its new draft, with the reports pending, was laid upon the table to be printed in new draft.

Mrs. Wheeler of Bristol, for the Committee on Judiciary, to whom was referred House Bill No. 101, An act relative to the care and protection of delinquent children and juvenile offenders and to the reduction and prevention of delinquency, reported the same with the following amendment, and the recommendation that the bill as amended be referred to the Reorganization Commission.

Amend section 15 of chapter 379 as inserted by section 1 of the bill by striking out the word "diagnosis" in line 4, so that said section as amended shall read as follows:

15. *Management of Institutions.* The commission shall have the management, government, and care of the industrial school, and of all other institutions now or hereafter supported by the state for the custody, care and training of delinquent children or juvenile offenders and of all children committed thereto.

Amend paragraph I of section 25 of said chapter 379, as inserted by section 15 of said bill by striking out said paragraph and inserting in place thereof the following:

1. When any court finds that a juvenile is delinquent and gives the custody of said child to the commission, the commission shall provide a physical and mental examination and investigate all pertinent circumstances of his life and behavior. The facilities and staff of the children's study home, established by chapter 279 of the Laws of 1947, shall be used for said physical and mental examination. When the director of the study home has completed the diagnosis and study he shall submit a complete report and recommendations to the commis-

sion for its use in providing for the delinquent's rehabilitation. On receipt of said report and recommendations the commission shall provide for the child's removal from the study home unless the director shall recommend retention of the child for psychiatric treatment. When it is determined that for the best interests of the child said physical and mental examination can be provided by a mental hygiene clinic, the director shall recommend such action to the commission.

Amend paragraph III of section 28 of said chapter 379 as inserted by section 1 of the bill by striking out the words "without the approval of the commission" in lines 6 and 7 and inserting in place thereof the words, until a reasonable time after it has notified the commission of its intention to release him, so that said paragraph as amended shall read as follows:

III. Placement of a person by the commission in any institution or agency not operated by the commission, or the release of such person from such institution or agency, shall not terminate the control of the commission over such person. No person in such institution or under such agency may be released by the institution or agency until a reasonable time after it has notified the commission of its intention to release him.

Further amend said bill by striking out section 2 thereof, and by renumbering sections 3 to 16 to read sections 2 to 15, respectively.

Amend section 22 as inserted by section 3 of the bill as renumbered, by striking out the words "chief probation officer" in line 2 and inserting in place thereof the words, director of probation, so that said section as amended shall read as follows:

22. *Director of Probation Appointed.* The superior court shall appoint a director of probation. He shall perform such duties as may be required of him by the court, and shall receive from the state such salary as is fixed by the court with the approval of the governor and council and approved by the classification board, and shall be allowed the necessary expenses incurred in the performance of his duties.

Amend section 23 as inserted by section 3 of the bill, as renumbered, by striking out the words "chief probation officer" in line 3 and inserting in place thereof the words,

director of probation, so that said section as amended shall read as follows:

23. *Probation Officers Selected and Assigned.* Probation officers shall be appointed by the superior court upon the recommendation of the director of probation from a list found qualified by competitive examination. Such officers shall be assigned to, and reside in, counties or districts of the state to be designated by the court. Said officers shall serve the municipal courts in their counties where requested in all cases where adults are to be placed on probation. On the passage of this act the superior court shall, with the approval of the youth service commission, select from the present personnel of the state probation department fifty per cent or one-half of the present employed, full-time probation officers and such other clerical assistance employed by that department. All records relating to the payment of money in connection with domestic relations cases and all records relating to adults on probation shall become the property of the superior court.

Amend section 25 as inserted by section 3 of the bill, as renumbered, by adding after paragraph II the following new paragraph:

III. To investigate, in actions involving dependent minor children, motions and applications relating to the custody, maintenance and education of such minor children and to make recommendations concerning the terms or provisions of any orders or decrees involving the welfare of such children.

IV. To aid and assist in the enforcement of orders or decrees relating to the custody, maintenance and education of dependent minor children where such children for any reason are not receiving proper care, maintenance and education and may become public charges, and to make recommendations for the betterment of the conditions of such minor children.

V. To undertake the reconciliation of parties in actions for divorce, legal separation, separate maintenance or annulment.

Further amend said section 25 as inserted by section 4 of the bill by renumbering paragraphs III, IV, V to read VI, VII, VIII.

Further amend said bill by striking out section 15, as

renumbered hereunder and inserting in place thereof the following:

14. *Transfer of Property, Personnel.* The youth service commission shall (1) succeed to and be vested with all rights, powers and duties, including their rights, powers and duties as trustees of funds and property and as guardians of children, exercised and performed by the trustees of the industrial school at Manchester and (2) succeed to and be vested with all rights, powers, duties, facilities, personnel, records, and appropriations of the board of probation except those transferred to the superior court by this act. All employees affected by the provisions of this section shall be transferred without loss of their retirement or other rights.

The report was accepted.

The reading of the amendment having commenced, on motion of Mr. Laraba of Portsmouth further reading of the amendment was dispensed with.

On a *viva voce* vote the amendment was adopted, and the recommendation of the committee that the bill be referred to the Reorganization Committee was adopted.

Mr. Besse of Concord, for the Committee on Public Health, to whom was referred House Bill No. 523, An act relative to reciprocity in the practice of chiropody, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Besse of Concord, for the Committee on Public Health, to whom was referred Senate Bill No. 121, An act relating to assistant pharmacists, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by inserting after section 2 the following new section:

3. *Repeal.* Amend section 18 of chapter 256 of the Revised Laws by striking out said section and inserting in place thereof the following:

18. *Pharmacists.* Applicants for examination and registration as pharmacists shall be citizens of the United States and not less than twenty-one (21) years of age, of

good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university accredited as Grade "A" by the American Council on Pharmaceutical Education and approved by the New Hampshire Commission of Pharmacy and practical Chemistry; and shall file proof satisfactory to the commission, substantiated by proper affidavits, of a minimum of one year of experience in a retail or hospital pharmacy in the United States where physician's prescriptions are compounded under the supervision of a registered or licensed pharmacist; and shall pass an examination given by the New Hampshire Commission of Pharmacy to establish satisfactorily their fitness to practice. Service and experience in a retail or hospital pharmacy under the supervision of a registered or licensed pharmacist as required in this section shall be predominantly related to the selling of drugs and medical supplies, compounding prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes.

Further amend said bill by renumbering section 3 to read section 4.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Weeks of Gilford, for the Committee on Transportation, to whom was referred Senate Bill No. 101, An act pertaining to conduct of operator of motor vehicle after accident, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Pickett of Keene moved that the words, ought to pass, be substituted for inexpedient to legislate.

The question being on the motion to substitute.

(Discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.

Mr. Myhaver of Peterborough moved that the bill with the amendment pending be laid upon the table.

The question being on the motion of Mr. Myhaver.

On a *viva voce* vote the bill and amendment was laid upon the table.

### Special Order

Mr. Fuller of Hanover called for the special order.

It being House Bill No. 365, An act to equalize educational opportunities and to improve the educational offerings of the public, elementary and high schools.

The question being on the amendment as printed in the Journal of Wednesday, June 1, on pages 13, 14 and 15.

(Discussion ensued)

Mr. Tracy of Amherst offered the following amendment to the amendment.

Amend by striking out the word "eight" in the seventh line, and inserting in place thereof the word, thirteen.

The question being on the amendment to the amendment.

(Discussion ensued)

Messrs. Tracy of Amherst, Nelson of Goshen, Sanborn of Fremont, Towle of Epsom, Wadleigh of Milford, Black of Bennington, Turner of Keene, Ferguson of Pittsfield and Miss Loizeaux of Plymouth, Mrs. Atwood of Sanbornton and Mrs. Landers of Keene, spoke in favor of the amendment to the amendment.

Messrs. Fuller of Hanover, Saltmarsh of Concord, Betley and Sullivan of Ward 6, Manchester, and Mrs. Brungot of Berlin, spoke against the amendment to the amendment.

Mr. Johnson of Northwood moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment to the amendment.

Miss Loizeaux of Plymouth asked for a division.

A division being had, 175 members having voted in the affirmative, and 152 members having voted in the negative, the amendment to the amendment was adopted.

The question being on the amendment as amended.

Mrs. Brungot of Berlin demanded the yeas and nays, but subsequently withdrew her demand.

Mr. Betley of Manchester moved that the bill with the amendment pending be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Betley of Manchester spoke in favor of the motion.

Mr. Moffitt of Berlin asked for a division.

A division being had, 172 members having voted in the affirmative, and 153 members having voted in the negative, the bill and amendment was indefinitely postponed.

### Concurrent Resolution

Mr. Laraba of Portsmouth offered the following concurrent resolution:

*Resolved by the House of Representatives, the Senate concurring.*

*That* the state board of education is hereby directed to investigate and study the need for a formula to be applied to the distribution of state moneys to local school districts. The said board is directed to make such study so that the application of awards to the several districts shall be made only on the basis of need to the end that needy districts shall be aided to the extent that educational facilities for all children of New Hampshire shall be on a more equitable basis. Said board shall report its findings to the 1951 session of the General Court not later than January 15, 1951.

The question being on the concurrent resolution.

(Discussion ensued)

Messrs Laraba of Portsmouth, Sanborn of Wakefield and Scammon of Stratham, spoke in favor of the concurrent resolution.

On a *viva voce* vote the concurrent resolution was adopted and sent to the Senate for concurrence.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their titles, only, and when the House adjourns today it adjourn to meet Tuesday morning at 11 o'clock.

### Third Readings

House Bill No. 130, An act relating to taking hares and rabbits.

Read a third time and passed, and sent to the Senate for concurrence.



Senate Bill No. 121, An act relating to assistant pharmacists.

Read a third time and passed, and sent to the Senate for concurrence in the amendment.

Senate Bill No. 124, An act relative to lease receipts on land taken for flood control.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Tracy of Amherst at 2:40 o'clock the House adjourned.

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TUESDAY, JUNE 7, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God our Father, before turning to the duties of another week in this legislative work, we pause to ask Thy guidance. Help us, we beseech Thee to depend less on our manipulations and more on Thy Spirit. Teach us to wait on Thee for strength and guidance. Take from us all pride, and the exaltation of partisan politics above the welfare of our state and the furtherance of good government. Help us ever to remember that our high calling at this present is to see that Thy will is done in the making of laws for our great commonwealth. Through Jesus Christ our Lord. Amen.

#### Leaves of Absence

Messrs. Spaulding and Goodwin of Hudson, Martel of Manchester and Nicholl of Bow, were granted leaves of absence for the day on account of important business.

Mr. Sommers of Holderness was granted leave of absence for the week on account of important business.

Mr. Elliott of Milford was granted leave of absence for the week on account of illness.

### Correction of Journal

Mrs. Landers of Keene having been recorded as speaking against the amendment to the amendment (13 mills) on House Bill No. 365 was changed to read as speaking in favor of the amendment to the amendment, in the Journal of June 2 on page 21.

### Introduction of Bills

The following bills were severally introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

By the Committee on Rules, House Bill No. 526, An act relative to the salary of the city clerk of Laconia.

Referred to the Special Committee composed of the members of the Laconia Delegation.

By the Committee on Rules, House Bill No. 527, An act to establish a new apportionment for the assessment of public taxes.

To the Committee on Ways and Means.

### Committee Reports

Mr. Bell of Plymouth, for the Committee on Appropriations, to whom was referred House Bill No. 516, An act to supplement the appropriation for the Legislative Department, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

Mr. Atherton of Nashua offered the following amendment:

Amend section 1 of the bill by adding at the end thereof the following: There is hereby appropriated an additional sum of \$4,500.00 for the expenses of the Constitutional Convention, only, so that said section as amended shall read as follows: 1. *Appropriation.* There is hereby appropriated the sum of \$125,000.00 for the expenses of the Legislature only. Said appropriation shall not lapse, shall not be transferred to any other department, institution or account. There is hereby appropriated an additional sum of \$4,500.00 for the expenses of the Constitutional Convention only.

The question being on the amendment.

(Discussion ensued)

Mr. Atherton of Nashua spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Tilton of Laconia, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 16, Joint resolution in favor of the town of Errol, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Barry of Wilton, for the Committee on Appropriations, to whom was referred Senate Bill No. 130, An act relating to a cost of living bonus for state employees, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Henderson of Durham, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Cummings of Newport, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 8, Joint resolution in favor of Samuel Jovin, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.

Mr. Walker of Hinsdale, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 109, An act providing for regulation of open-air motion picture theatres, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Ecker of Manchester, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 115, An act relating to the reconstruction and financing of the water works system of the Plymouth Village Fire District, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Smith of Meredith, for the Committee on Municipal and County Government, to whom was referred House Bill No. 120, An act relating to reports by Registers of Deeds, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Moses of Lancaster, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 128, An act ratifying certain action of the town of Whitefield relative to the so-called Morrison Hospital, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mrs. Lucy of Conway, for the Committee on Municipal and County Government, to whom was referred House Bill No. 368, An act relative to salary of deputy register of probate for Merrimack county, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. French of Bedford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 521, An act relative to payment of certain monies received from the treasurer of the United States, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Angus of Claremont, for the Special Committee con-

sisting of the delegation from the city of Claremont, to whom was referred House Bill No. 104, An act relative to reduction of the budget for the city of Claremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee was adopted.

Mr. Angus of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 115, An act relative to rules and regulations for Merit System for employees of the city of Claremont, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Angus of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 116, An act relative to administrative code for the city of Claremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Angus of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 121, An act relative to finances of the city of Claremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Angus of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 122, An act providing for fire commission for the city of Claremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Angus of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 123, An act relative to powers and duties of Claremont city manager, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Angus of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 124, An act relative to administration officers of the city of Claremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Angus of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 127, An act relative to budget procedure in the city of Claremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Angus of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 271, An act abolishing a police commission for the city of Claremont, and placing the police department under the control of the manager, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Angus of Claremont, for the Special Committee consisting of the delegation from the city of Claremont, to whom was referred House Bill No. 398, An act relating to vacancies in the city council of the city of Claremont, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Dwinell of Lebanon, for the Joint Committee on Forestry and Recreation and Ways and Means, to whom was referred House Bill No. 499, An act relating to forest conservation and taxation, reported the same, in new draft, with the recommendation that the bill in its new draft ought to pass.

The undersigned, a minority of the Joint Committee on Forestry and Recreation and Ways and Means, to whom was referred House Bill No. 499, An act relating to forest conservation and taxation, having considered the same, and being unable to agree with the majority, report the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

MAURICE J. DOWNING,

*A Minority of the Committee.*

The reports were accepted.

Mrs. Gardner of Springfield moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass.

The question being on the motion to substitute.

(Discussion ensued)

Mrs. Gardner of Springfield and Mrs. Forbes of Marlow and Messrs. Downing of Newport, Callum of Unity, Angus of Claremont, Giesel of Manchester and Fletcher of Mont Vernon, spoke in favor of the motion to substitute.

Messrs. Dort of Chesterfield, Baron of Claremont, Converse of Pittsburg, English of Hancock, Rowell of Newport, Sanborn of Wakefield, Dwinell of Lebanon, Turner and Pickett of Keene and Evans of Lancaster, spoke against the motion to substitute.

Mr. Barney of Rumney moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

Mr. Downing of Newport asked for a division.

A division being had, 157 members having voted in the

affirmative, and 158 members having voted in the negative, the motion to substitute did not prevail.

Mr. Downing of Newport demanded the Yeas and Nays, and the roll was called with the following result:

### Yeas, 163

SULLIVAN COUNTY: Perkins, Angus, Converse of Claremont, Bissonnett, Riley, Walker of Grantham, Holmes of Langdon, Cummings of Newport, Downing, Read of Plainfield, Gardner of Springfield, Russell, Callum.

GRAFTON COUNTY: Wadhams, Brown of Ashland, Chamberlin of Bath, Whittier, Williams of Grafton, Clough, Perry of Haverhill, Jones of Lebanon, Orr, Pushee, Bell, Sawyer of Woodstock.

COOS COUNTY: Moffett, Fontaine, Gagnon of Berlin, Gould, Baxter, Ellingwood, Potter, Phelan, Baker.

ROCKINGHAM COUNTY: Griffin, Graves, Persson, Fitch, Heon, Fecteau, Richards, Sanborn of Fremont, Root, Stevens, LaBranche of Newmarket, Sewall, Carter of North Hampton, Colcord, Alessi, Dondero, Payette, Leary, Ingraham of Portsmouth, Bluitte, Haigh.

STRAFFORD COUNTY: Gouin, Grimes, Marcotte, Felker, Crandall, Stocklan, Flanagan, Parker, Webster, Rolfe, Dustin, St. Pierre, Letourneau, Cater of Somersworth.

BELKNAP COUNTY: Normandin, Smith of New Hampton, Bruno.

CARROLL COUNTY: Washburn, Hill, Lucy, Banfield, Knox, Hodgdon.

MERRIMACK COUNTY: Moore, Coakley, Ferrin, Flynn, Colbath, Corbett, Bunten, Roby, Nawn, Sargent, Chase, Burke, LaBranche of Franklin, Lorden, Dudevoir, Mullaire, Kenney, Bellerose, Lea, Holmes of Salisbury, Savory.

HILLSBOROUGH COUNTY: Wilson, French, Farewell, Ellsworth, Crosby, Reid of Litchfield, Danforth, Geisel, Connor of Manchester, Dwyer, Kean, Betley, Healy of Manchester, Ward 5, Malatras, O'Brien, Shea of Manchester, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Zyla,



O'Connor, Sullivan of Manchester, Ward 7, Cary, Gagnon of Manchester, Auger, Roche, Roukey, April, Lareau, Vaillancourt, Daniel of Manchester, Gauthier Thibodeau of Manchester, Donnelly, Peaslee of Merrimack, Falconer, Fletcher, Ramsdell, Landry, Belcourt, Spalding of Nashua, Chasse, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Grandmaison, Janelle, Cote, Myhaver.

CHESHIRE COUNTY: Thomas, Willard, Erwin, Smith of Keene, Zimmerman, Hall, Forbes, Lang, Killeen, Rhodes.

### Nays, 162

SULLIVAN COUNTY: Baron, Nelson, Williams of Washington.

GRAFTON COUNTY: Wheeler, Willey, Eggleston, Dunbar, Grass, Atkins, Fuller, Holden, Chamberlin of Haverhill, Adams of Lebanon, Ashley, Cole, Dwinell, Madden, Collins, Hamilton, Gardner of Littleton, Keiley of Littleton, Dusik, Loizeaux, Barney.

COOS COUNTY: Dussault, Hinchey, Mason, Desilets, Henderson of Berlin, Lazure, Bartlett, Brungot, Christiansen, Bouchard, Roy of Berlin, Currier, Falkenham, Hamlin of Dummer, Fraser, Malloy, Kimball, Evans of Lancaster, Moses, Johnson of Milan, Converse of Pittsburg, Hinman, Taylor.

ROCKINGHAM COUNTY: Hazelton, Hepworth, Eldredge, Elwell, Rathbone, Weeks of Greenland, Merrill, Underwood, Parmenter, Johnson of Northwood, Foote, Yeaton, Hobbs, True, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Smalley, Dodge, Henderson of Durham, Wormhood, Horne, Jones of Rochester, Lacasse, Studley, Fernald, Leach, Green of Rollinsford, Lagueux, Malley, Brown of Strafford.

BELKNAP COUNTY: McAllister, Dearborn, Obert, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Simoneau, Tilton of Laconia, Keller, Shannon, Brown of Laconia, Ewing, Ransom, Smith of Meredith, Atwood.

CARROLL COUNTY: Downs, Thompson of Effingham, MacGown, Wild, Wiggin, Remick, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Rancour, Kennedy of Concord, Hurd, Nash, Saltmarsh, Tilton of Concord, Greene of Concord, Sawyer of Concord, Towle, Spiller, Ferguson, Yerxa, Stebbins.

HILLSBOROUGH COUNTY: Tracy, Black, Jones of Frances-town, Hambleton, Reed of Goffstown, Tirrell, Adams of Greenfield, Doonan, English, Boynton, Goodwin of Hollis, Corliss, Daniels of Manchester, Sawyer of Manchester, Fitzgerald, Wedick, Wadleigh, Atherton, Cooper, Boire, Goulet, Brosnahan, Shedd, Thompson of New Ipswich, Bigelow, Cummings of Peterborough, Osborne, Barry.

CHESHIRE COUNTY: Dort, Miller, Walker of Hinsdale, Spofford, Perry of Jaffrey, Aldrich, Landers, Darling, Turner, Pickett, Tolman, Andrews, Sherwin, Blake, Kershaw, Billings, Ingham of Winchester, Thompson of Winchester.

### Pairs

Mr. Rowell of Newport voting no paired with Mr. Martel of Manchester voting yes.

Mr. Marden of Chichester voting yes, paired with Mr. Blodgett of Concord voting no.

The vote being 163 Yeas and 162 Nays, the Speaker declared his vote in the negative under Rule No. 7, the vote being tied, the motion to substitute the report of the minority, inexpedient to legislate, for the report of the majority, ought to pass, did not prevail.

Mr. Lea of Pembroke moved that the bill be indefinitely postponed.

Mr. Downing of Newport asked for a division.

Mr. Lea of Pembroke withdrew his motion.

Mr. Callum of Unity moved that the bill be indefinitely postponed.

Mr. Angus of Claremont moved that the bill be laid upon the table, which motion took precedence.

Mr. Downing of Newport asked for a division.

A division being had, 130 members having voted in the affirmative, and 184 members having voted in the negative, the motion to lay upon the table did not prevail.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Scammon of Stratham spoke against the motion.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

Mr. Callum of Unity demanded the Yeas and Nays, but subsequently withdrew his demand.

The bill was referred to the Committee on Appropriations under the rules.

### Resolutions

Mr. Foote of Portsmouth offered the following resolution:

*Whereas* the member from Portsmouth, Mrs. Lise L. Payette, celebrated her tenth wedding anniversary on Monday, June 6th and is today celebrating her 39th birthday,

*Resolved*, That the House of Representatives extend to the member from Portsmouth our best wishes on these dual anniversary dates and the hope that she will enjoy many similar anniversaries in the future.

On a *viva voce* vote the resolution was adopted.

Miss Loiseaux of Plymouth offered the following resolution:

*Whereas* the member from Hanover, Mr. Robert J. Fuller, celebrated his 79th birthday on Thursday, June 2nd last,

*Resolved*, That the House of Representatives extend to Mr. Fuller our best wishes on this happy occasion and the hope that he will enjoy many similar anniversaries in the future.

On a *viva voce* vote the resolution was adopted.

Mr. Labranche of Franklin offered the following resolution:

*Whereas*, We have learned with sorrow of the death of Eusebe P. Lemire, former Representative from the City of Franklin from 1935 to 1945 inclusive, therefore be it

*Resolved*, That we, the members of the House of Representatives, mourn the passing of our former fellow member and pay tribute to his faithful public service to his city and state, and be it further

*Resolved*, That we extend our heartfelt sympathy to his family in its bereavement, that the Speaker designate a delegation to attend the funeral services and the Clerk of the House be instructed to procure a floral tribute, and be it further

*Resolved*, That the Clerk transmit a copy of these resolutions to the bereaved family.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as a delegation to attend the funeral, the delegation from the city of Franklin.

Mrs. Goodwin of Hollis offered the following resolution:

*Whereas*, Mrs. Elisabeth Robertson Elkins, of Concord, former Director of Minimum Wage in the New Hampshire Department of Labor, wife of former Speaker Louis P. Elkins and long associated with the state in various positions of civic and political nature, has been confined to her home by illness, therefore be it

*Resolved*, That we, the members of the House of Representatives, hereby pay tribute to Mrs. Elkins for the able and whole-hearted contributions she has made to the welfare of the state, and extend to her our best wishes for a speedy recovery and continued good health, and be it further

*Resolved*, That the Clerk of the House transmit to Mrs. Elkins a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had passed a bill with the following title, in the passage of which it asked the concurrence of the House of Representatives.

Senate Bill No. 129, An act authorizing the town of Hampton to issue serial notes or bonds.

### Senate Bill Read and Referred

Senate Bill No. 129, An act authorizing the town of Hampton to issue serial notes or bonds.

Read a first and second time and referred to the Committee on Municipal and County Government.

On motion of Mr. Clough of Haverhill the rules were suspended to allow a public hearing on Senate Bill No. 129, without two days' notice in the Journal.

On motion of Mr. Wadleigh of Milford the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their titles only and joint resolutions by their captions.

### Third Readings

House Bill No. 516, An act to supplement the appropriation for the Legislative Department.

House Bill No. 521, An act relative to payment of certain monies received from the treasurer of the United States.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 109, An act providing for regulations of open air motion picture theatres.

Senate Bill No. 115, An act relating to the reconstruction and financing of the water works system of the Plymouth Village Fire District.

Senate Bill No. 120, An act relating to reports by registers of deeds.

Senate Bill No. 128, An act ratifying certain action of the town of Whitefield relative to the so-called Morrison Hospital.

Senate Bill No. 130, An act relating to a cost of living bonus for state employees.

Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates.

Senate Joint Resolution No. 8, Joint resolution in favor of Samuel Jovin.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Downing of Newport at 2:15 o'clock the House adjourned.

WEDNESDAY, JUNE 8, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, thou Infinite One, who understandest all things and hast committed to mortal man great responsibilities; in our weakness we come to Thee for strength, in our blindness we ask Thee for vision that we may see the right and perform the same. In these fateful days when tomorrow will judge us by what we do today, help us to maintain our integrity unsullied by animosity. Make us worthy of the sacred trust of office. Overpower in us the smallness and weakness of human frailty by Thy Infinite Might. Amen.

#### **Leaves of Absence**

Mr. Goodwin of Hudson was granted leave of absence for the day on account of important business.

Mr. Downs of Conway was granted leave of absence for the day on account of attending a funeral.

Mr. Barney of Rumney was granted leave of absence for the remainder of the week on account of important business.

Mr. Currier of Colebrook was granted leave of absence for the week of June 12, on account of important business.

#### **Engrossed Bills Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Joint Resolution No. 13, Joint resolution in favor of Blanche B. Couture.

Senate Bill No. 81, An act relating to separate maintenance.

House Bill No. 278, An act relating to the taking of striped bass and prohibiting the sale of oysters from certain waters.

House Bill No. 401, An act relating to notice of tax sales.

House Bill No. 488, An act to revise the charter of the City of Claremont.

House Bill No. 495, An act relating to the appointment of a special consultant to the highway commissioner.

House Bill No. 522, An act authorizing the Tilton and Northfield Union School District to issue notes for the payment of an operational deficit for the year 1948-1949 and validating proceedings of the annual district meeting on March 9, 1949.

House Bill No. 524, An act relative to the salaries of the Commissioners of Rockingham County.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by adding at the end thereof the words, and changing method of reporting records of adoptions and divorces, so that said title as amended shall read as follows:

An act relating to the use of the names of natural parents of adopted children in certain cases and changing method of reporting records of adoptions and divorces.

Amend section 4 of said bill by striking out the first four lines and inserting in place thereof the following:

4. *Registrar of Vital Statistics.* Amend section 9 of chapter 337 of the Revised Laws by striking out said section and inserting in place thereof the following: 9. *Preservation of Returns.* The state registrar shall cause the returns made to him in pursuance of the preceding sections, together with the returns of divorces made by the clerks of court.

Further amend said bill by inserting after section 5 the following new section:

6. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Laraba of Portsmouth the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 476, An act pro-

viding for the classification of certain surface waters, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend paragraph IV of section 1 of said bill by striking out the figure "XXXV" and inserting in place thereof the figure, III.

Further amend said bill by inserting after section 2 the following new section:

3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mrs. Studley of Rochester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 414, An act providing a council-manager plan charter for the city of Concord, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 5 of said bill by striking out the third sentence and inserting in place thereof the following:

Each candidate shall pay the city clerk a fee of three dollars except one on whose behalf a petition shall have been filed by at least fifty qualified voters.

Amend section 20 by striking out the first two lines and inserting in place thereof the following:

20. *Non-Interference by the Council.* Neither the council nor any of its members shall direct or request, except in writing, the appointment of any

Amend section 57 of said bill by striking out the second sentence and inserting in place thereof the following:

At the top of the ballot used at said primary there shall appear questions in bold face type and instructions, as hereinafter provided, relative to the adoption of said plan 2 together with plan 1 as set forth in "An act to revise the charter of the city of Concord."

On motion of Mr. Nawn of Concord the House concurred



in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 501, An act to revise the charter of the city of Concord, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the word "section" where it appears throughout the bill in front of the section numbers; also by striking out the numerals at the head of the subdivisions.

Amend section 19 of said bill by striking out the third paragraph and inserting in place thereof the following:

Each assessor shall prior to his appointment have demonstrated knowledge of property appraisal or assessment and of the laws governing the assessment and collection of property taxes. It shall be the duty of the board of assessors to assess all taxable property in the city in accordance with general law and such administrative regulations as may be promulgated pursuant thereto, to maintain a standard system of assessment records, and to perform such other duties as the board of aldermen may prescribe by ordinance.

Amend section 25 of said bill by striking out the word "fiscal" in the second line.

Amend section 47 of said bill by striking out the second sentence and inserting in place thereof the following:

At the top of the ballot used at said primary there shall appear questions in bold face type and instructions, as hereinafter provided, relative to the adoption of said plan 1 together with plan 2 as set forth in "An act providing a council-manager plan charter for the city of Concord."

On motion of Mr. Nawn of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 8, An act in amendment of the laws relative to the Union School District in Concord, reported the same, under Joint Rule No. 6, with the

following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 9 the following new section:

10. *Repeal.* Section 8 of chapter 230 of the Laws of 1927 relative to financial budget is hereby repealed.

Further amend said bill by renumbering section 10 to read section 11.

On motion of Mr. Saltmarsh of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in its amendment to the following entitled bill:

Senate Bill No. 102, An act licensing child-placing and child-caring agencies.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled joint resolution:

Senate Joint Resolution No. 13, Joint resolution in favor of Blanche B. Couture.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolution, sent up from the House of Representatives:

House Bill No. 90, (new draft and new title), An act amending provision relative to road use tax on certain out of state vehicles.

House Bill No. 495, An act relating to the appointment of a special consultant to the highway commissioner.

House Bill No. 496, An act relating to the appointment of assistant highway commissioners and a chief engineer.

House Bill No. 522, An act authorizing the Tilton and Northfield Union School District to issue notes for the pay-

ment of an operational deficit for the year 1948-1949 and validating proceedings of the annual district meeting on March 9, 1949.

House Bill No. 275, An act relative to non-resident fish and game licenses.

House Bill No. 300, An act relating to obscene literature, pictures and articles.

House Bill No. 498, An act relating to forest fires.

House Joint Resolution No. 34, Joint Resolution in favor of the Estates of Maurice A. Roberts, Shirley S. Philbrick and John M. Tewksbury.

The message further announced that the Senate had voted to non-concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 28, An act relating to the registration of pleasure-type motor vehicles.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 286, An act relating to the Atlantic States Marine Fisheries Commission.

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Atlantic States Marine Fisheries Compact.* Amend chapter 135 of the Laws of 1941 by inserting after section 1 the following new section:

1-a. *Amendment to Compact.* The state of

On motion of Mr. Fernald of Rochester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 481, An act relative to merit ratings under the unemployment compensation system.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *General Experience Rating.* Amend the fifth paragraph of subsection D, section 6 of chapter 218 of the Revised Laws, as amended by section 14, chapter 138 of the Laws of 1945, and by section 17, chapter 59 of the Laws of 1947, and by section 11, chapter 185 of the Laws of 1949, by striking out said paragraph and inserting in place thereof the

On motion of Mr. Rowell of Newport the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 496, An act relating to the appointment of assistant highway commissioners and a chief engineer.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following:

4. *Takes Effect.* This act shall take effect as of July 1, 1949.

On motion of Mr. Ingham of Winchester the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 283, An act relating to licenses for hotels.

Amend section 2 of said bill by striking out the sixth to the thirteenth lines and inserting in place thereof the following: of said hotel designated by the commission. Said room shall not have an immediate entrance upon any public way. No license provided by this section shall be issued to any hotel in towns not accepting the provisions of this chapter unless such hotel is classified as a resort hotel by the commission, and sales of liquor and beverages in such hotels shall not be made to a resident of the town in which such hotel is located. The commission may grant, regulate, suspend, or revoke said special license without affecting any other

On motion of Mr. Killeen of Walpole the House concur-

red in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 400, An act to revise the charter of the City of Franklin.

Amend the second paragraph of section 5 of said bill by striking out the first two sentences and inserting in place thereof the following:

In the first city election following the adoption of this charter, there shall be chosen nine councilmen, two to be elected from each ward and three to be elected by the city at large. The candidate for ward councilman from each ward receiving the largest number of votes shall serve for four years. The candidate for ward councilman in each ward receiving the second largest number of votes shall serve for two years.

Amend section 13 of said bill by striking out the second sentence and inserting in place thereof the following:

Said supervisors shall perform all the duties required by law of selectmen of wards in cities and of supervisors of checklists in towns, and for all purposes requiring such officers, shall be considered selectmen of said ward.

Amend section 14 of said bill by striking out the third sentence and inserting in place thereof the following.

Each candidate shall pay the city clerk a fee of three dollars except one on whose behalf a petition has been filed by at least fifty qualified voters.

Amend section 49 of said bill by striking out the figure "20" and inserting in place thereof the figure, 21,

Renumber the section numbered 51 to read 50.

Renumber the section numbered 50 to read 51.

Amend the section numbered 54 by striking out the number "49" and inserting in place thereof the number, 50, and further amend said section numbered 54 by renumbering it to read 55.

Further amend said bill by inserting after section 53 the following new section:

54. *Repeal.* Such parts of chapter 260 of the Laws of 1895 and any other acts or parts of acts inconsistent with

the provisions of this act are hereby repealed to the extent of such inconsistency.

On motion of Mr. Chase of Franklin the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 106, An act establishing the date of Fast Day.

Senate Bill No. 123, An act relative to the issuance of bonds or notes of Hampton Beach Village District.

### Senate Bills Read and Referred

Senate Bill No. 106, An act establishing the date of Fast Day.

Read a first and second time and referred to the Committee on Executive Departments and Administration.

Senate Bill No. 123, An act relative to the issuance of bonds or notes of Hampton Beach Village District.

Read a first and second time and referred to the Committee on Municipal and County Government.

### Taken from the Table

On motion of Mr. Myhaver Senate Bill No. 101 was taken from the table.

The question being on the motion to substitute the the words, ought to pass, for the resolution of the committee, inexpedient to legislate.

(Discussion ensued)

Messrs. Pickett of Keene and Myhaver of Peterborough spoke in favor of the motion.

On a *viva voce* vote the motion to substitute was adopted.

Mr. Pickett of Keene offered the following amendment:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Motor Vehicle Accidents.* Amend section 19 of chapter 118 of the Revised Laws as amended by chapter 34 of the Laws of 1949 by adding at the end of said section the following: provided, however, that voluntary intoxication shall not constitute a defense in the matter of knowledge under the provisions of this section, so that said section as amended shall read as follows: 19. *Conduct After Accident.* Any person operating a motor vehicle, knowing that injury has been caused by him to a person or to property, shall forthwith bring his vehicle to a stop, return to the scene of the accident, give, to the operator of any motor vehicle involved in said accident, and to the person, or the owner of the property, injured his name and address, the number of the driver's license, the registration number of the motor vehicle, and the name and address of each occupant thereof. If the owner of the property damaged is not available at the place of the accident the information required hereunder shall be given to a policeman at the nearest police station. Any person operating a motor vehicle which is in any manner involved in an accident in which any person is injured or killed, or resulting in damage to property in excess of fifty dollars, shall forthwith report in writing to the commissioner the facts required herewith together with a statement of the circumstances of the accident, provided, however, that voluntary intoxication shall not constitute a defence in the matter of knowledge under the provisions of this section.

2. *Takes Effect.* This act shall take effect upon its passage.

The question being on the amendment.

(Discussion ensued)

Mr. Pickett of Keene spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Mr. Myhaver of Peterborough moved that House Bill No. 361 be taken from the table.

On a *viva voce* vote the motion prevailed.

Mr. Myhaver of Peterborough moved that the rules be suspended and the House reconsider its vote whereby it concurred in the engrossed bills amendment.

On a *viva voce* vote the motion prevailed.

Mr. Myhaver of Peterborough moved that the House non-concur in the engrossed bills amendment and a committee on conference be appointed.

On a *viva voce* vote the motion prevailed.

### Committee Reports

Mr. Moffett of Berlin, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 135, An act relative to the incorporation of Granite Lodge No. 1056, Loyal Order of Moose of Berlin, New Hampshire, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 335, An act relative to taking wild deer, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by adding at the end thereof the words, and other game animals, so that said title shall read as follows:

An act relative to taking wild deer and other game animals.

Amend section 1 of the bill by striking out all of said section and inserting in place thereof the following:

1. *Game Animals.* Amend section 19, chapter 242 of the Revised Laws by striking out said section and inserting in place thereof the following: 19. *Fines.* A person who violates a provision of this chapter shall be fined as follows: For each violation of sections 1, 5 and 6, not more than three hundred dollars or 30 days in jail or both; for each violation of sections 3, 4, 4-a, and 7 to 16, inclusive, not more than one hundred dollars; and for each violation of sections 17 and 18, not more than ten dollars, and not more than five dollars additional for each rabbit, hare, or gray squirrel taken, or possessed, contrary to the provisions thereof.

The report was accepted.

The question being on the amendment.

(Discussion ensued)



Mr. Fernald of Rochester spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mrs. Banfield of Moultonborough, for the Committee on Judiciary, to whom was referred House Bill No. 221, An act to authorize the construction and financing of a sewer system by the town of Meredith, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out sections 3 and 5.

Further amend the bill by renumbering sections 1, 2, 4, 6 and 7 to read 1, 2, 3, 4, 5.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mrs. Brungot of Berlin, for the Committee on Judiciary and Public Health, to whom was referred House Bill No. 111, An act relative to control of air pollution, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the title and inserting in place thereof the following:

*Whereas*, The pollution of the atmosphere by foreign elements not normal constituents of the atmosphere is a potential menace to the health, comfort and safety of the citizens of New Hampshire; and

*Whereas*, It appears that satisfactory control of air pollution may require a long range program so that persons, firms, corporations and municipalities may not be unduly burdened.

*Whereas*, There appears to be a question as to whether or not existing laws are adequate to cope with the situation; and

*Whereas*, The diverse conditions pertaining to air pollution in the various towns and cities in New Hampshire create a difficult question as to whether the power to control air pollution should be vested in some agency of the state of New Hampshire or in the various towns and cities; and

*Whereas*, The unavoidable pollution of air by industry requires careful consideration of the problem of control of air pollution; therefore

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1. *Committee Authorized.* A joint committee to consist of three members of the House and two members of the Senate shall be appointed by the Speaker of the House and by the President of the Senate, respectively, and two members from the public shall be appointed by the governor to make a thorough and impartial investigation of the subject of air pollution giving particular regard to the problems stated in the preamble of this act.

2. *Powers and Duties.* Said committee shall have full power and authority to require from the several departments, boards and commissions of the state government, and from the officials of the towns and cities, such information, assistance and advice as may be necessary for the purposes of said committee, and shall prepare a report of its findings and recommendations for legislation, if any, to the Legislature of 1951.

3. *Compensation.* The members of said committee shall serve without pay but shall be reimbursed for any necessary expenses incurred in carrying out their duties hereunder.

4. *Appropriation.* The sum of not exceeding two thousand five hundred dollars is appropriated for clerical and other assistance which may be required by the joint committee in carrying out its duties hereunder and reimbursement for necessary expenses to the members. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

Mr. Sawyer of Manchester, for the Special Committee consisting of the delegation from the city of Manchester, to whom was referred House Bill No. 515, An act providing for a deputy registrar for the city of Manchester, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Barry of Wilton, for the Committee on Appropriations, to whom was referred House Bill No. 211, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1950, reported the same in new draft with the recommendation that the bill in its new draft ought to pass.

Mr. Currier of Colebrook, for the Committee on Appropriations, to whom was referred House Bill No. 212, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1951, reported the same in new draft with the recommendation that the bill in its new draft ought to pass.

The reports were accepted.

Mr. Edson of Lebanon moved that further consideration of House Bills Nos. 211 and 212 be discussed department by department.

The question being on the motion of Mr. Edson.

(Discussion ensued)

Mr. Atherton of Nashua spoke against the motion.

Messrs. Malatras of Manchester, Angus of Claremont and Sanborn of Fremont, spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. Velishka of Nashua moved that the House postpone further consideration on House Bills Nos. 211 and 212 until action is taken by the House on other revenue measures, now before the House.

The question being on the motion of Mr. Velishka.

Messrs. Sullivan of Ward 6, Manchester and Angus of Claremont, spoke in favor of the motion.

Mr. Dwinell of Lebanon spoke against the motion.

Mr. Angus of Claremont moved that House Bills Nos. 211 and 212 be laid upon the table, but subsequently withdrew his motion.

(Discussion continued)

The question being on the motion of Mr. Velishka.

Mrs. Dondero of Portsmouth spoke for the motion.

Messrs. Scamman of Stratham, Barry of Wilton, Sanborn of Wakefield, Wadleigh of Milford, Kennedy of Manchester and Holden of Hanover, spoke against the motion.

Mr. Velishka of Nashua withdrew his motion. .

Mrs. Cooper of Nashua moved that the House recess for one hour.

On a *viva voce* vote the House recessed for one hour.

### After Recess

Mr. Atherton of Nashua for the Committee on Appropriations continued consideration of House Bills. Nos. 211 and 212.

Mr. Angus of Claremont moved that House Bills Nos. 211 and 212 be recommitted to the Committee on Appropriations with instruction to reduce overall amount by ten per cent.

The question being on the motion of Mr. Angus of Claremont.

(Discussion ensued)

Messrs. Betley of Manchester, Sanborn of Wakefield, Barry of Wilton and Atherton of Nashua, spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. Laraba of Portsmouth moved that House Bills Nos. 211 and 212 be laid upon the table and made a special order for Thursday, June 9, at 11:01 o'clock.

On a *viva voce* vote the motion prevailed.

Mr. Pickett of Keene moved that Senate Bill No. 94, An act relating to beano, be laid upon the table and made a special order for Tuesday, June 14, at 11:01 o'clock.

On a *viva voce* vote the motion prevailed.

On motion of Mr. Wadleigh of Milford the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

### Afternoon

On motion of Mr. Wadleigh of Milford the rules were suspended, third reading of bills by their titles made in order.

### Third Readings

House Bill No. 221, An act to authorize the construction and financing of a sewer system by the town of Meredith.

House Bill No. 335, An act relative to taking wild deer.

House Bill No. 515, An act providing for a deputy registrar for the city of Manchester.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 101, An act pertaining to conduct of operator of motor vehicle after accident.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

Senate Bill No. 135, An act relative to the Incorporation of Granite Lodge No. 1056, Loyal Order of Moose of Berlin.

Read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Towle of Epsom at 4:50 o'clock the House adjourned.

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### THURSDAY, JUNE 9, 1949

The House met according to adjournment.

Prayer was offered by Rev. Frederick C. Sweeney of Mt. St. Mary College, Hooksett, N. H.

O God Who doest instruct the hearts of the faithful by the light of the Holy Spirit, grant us, by the same Spirit, to relish what is right and ever to rejoice in His consolations.

Teach us, O Lord, in our deliberations to be constantly motivated by a spirit of justice and mercy, bearing in mind that as temporal rulers we should be the reflection of Thy Divine Law to our fellow-man.

Let us ever be mindful of the awesome character of our office, exercising its powers in the interests of the common good and removing far from our personal and public lives any taint of partiality or dishonesty.

Grant peace and order to all nations and may Thy Blessing descend upon us and remain with us forever. Amen.

### Leaves of Absence

Messrs. Hamilton of Lisbon, Myhaver of Peterborough, Thompson of Effingham, Marquis of Nashua and Rowell of Newport were granted leave of absence for the day on account of important business.

Mr. Cummings of Peterborough was granted leave of absence for June 15 on account of important business.

### Committee Reports

Mr. Clough of Haverhill moved that the rules be suspended to allow a committee report which had not previously been advertised in the Journal.

On a *viva voce* vote the motion prevailed.

Mr. Underwood of Hampton, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 129, An act authorizing the town of Hampton to issue serial notes or bonds, reported the same with the recommendation that the bill ought to pass.

The report was accepted.

The bill was ordered to a third reading.

Mr. Clough of Haverhill moved that the rules be suspended, third reading of the bill, by its title, and final passage be made in order at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed and sent to the Secretary of State to be engrossed.

### Committee of Conference Appointed

The Speaker appointed the following named members as a Committee of Conference on House Bill No. 361 (in new draft and new title), An act relative to fees for special permits to move objects or vehicles and loads, on the part of the House, Messrs. Myhaver of Peterborough, Thibodeau of Wolefeboro and Mrs. Miller of Fitzwilliam.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

Senate Joint Resolution No. 8, Joint resolution in favor of Samuel Jovin.

House Joint Resolution No. 34, Joint resolution in favor of the estates of Maurice A. Roberts, Shirley S. Philbrick and John M. Tewksbury.

Senate Bill No. 115, An act relating to the reconstruction and financing of the water works system of the Plymouth Village Fire District.

Senate Bill No. 130, An act relating to a cost of living bonus for state employees.

House Bill No. 275, An act relative to nonresident fishing licenses.

House Bill No. 498, An act relating to forest fires.

Senate Bill No. 102, An act licensing child-placing and child-caring agencies.

Senate Bill No. 128, An act ratifying certain action of the Town of Whitefield to the so-called Morrison Hospital.

House Bill No. 90, An act amending provisions relative to road use tax on certain out-of-state vehicles.

House Bill No. 245, An act relative to communicable diseases.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 124, An act relative to lease receipts on land taken for flood control, reported the same under joint rule 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by inserting after the word "town" in the fourteenth and seventeenth lines the words, city or, and by inserting before the word "towns" in the sixteenth and eighteenth lines the words, cities or,

On motion of Mr. Johnson of Northwood the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 120, An act relating to reports by registers of deeds, reported the same

under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Register of Deeds.* Amend section 12 of chapter 49 of the Revised Laws by striking out the same and inserting in place thereof the following: 12. *List of Conveyances for Tax Purposes.* Every register shall send to

Further amend said bill by inserting after section 1 the following new section:

2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Clough of Haverhill the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment. The message further announced that the Senate had voted amendment.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred Senate Joint resolution No. 7, Joint resolution providing for a committee to study hospital care and rates, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said resolution by striking out the words "to this legislature" in the tenth line and inserting in place thereof the words, to the legislature of 1951.

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendments reported by the Committee on Engrossed Bills:

The bill was then sent to the Senate for concurrence in the amendment.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to nonconcur with the House of Representatives in its amendments to the following entitled bill, and asks for a Committee of Conference, and the



President appointed as members of such committee, on the part of the Senate, Senators McMeekin and Otis.

Senate Bill No. 121, An act relating to assistant pharmacists.

Mr. Peever of Salem moved that the House accede to the request of the Senate, and the Speaker named as members on part of the House, Mrs. Studley of Rochester and Messrs. Besse of Concord and Peever of Salem.

to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 162, An act relative to payments to towns for flood control.

House Bill No. 291, An act relative to the salary of the mayor and establishing a department of public works in the city of Rochester.

House Joint Resolution No. 13, Joint resolution in favor of Samuel W. Tenofsky.

House Joint Resolution No. 31, Joint resolution in favor of Alfred M. Jenness.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 519, An act increasing fees paid to the Secretary of State for corporation and partnership registrations, licenses, engrossing private acts, election recounts and miscellaneous documents.

Amend by inserting after section 5 of the bill the following new section:

5a. *Corporations.* Amend section 104 of chapter 274 of the Revised Laws by inserting after the words "insurance commissioner" the words, and except holders of certificates of approval under the provisions of section 78 of chapter 170 of the Revised Laws, so that said section as amended shall read as follows:

104. *Returns.* Every business corporation, including foreign corporations doing business in this state, except public

utility or other corporations making annual returns to the public service commission or the insurance commissioner, and except holders of certificates of approval under the provisions of section 78 of chapter 170 of the Revised Laws, shall annually, on or before April first, make a return in writing to the secretary of state upon blanks to be furnished by him upon request.

On motion of Mr. Dwinell of Lebanon the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had passed bills with the following titles, in its passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 138, An act relating to highways.

Senate Bill No. 139, An act relating to zoning powers of the Rye Water District.

#### **Senate Bills Read and Referred**

Senate Bill No. 138, An act relating to highways.

Read a first and second time, and referred to the Committee on Public Works.

Senate Bill No. 139, An act relating to zoning powers of the Rye Water District.

Read a first and second time, and referred to the Committee on Municipal and County Government.

The message also announced that the Senate had passed the following joint resolution, in the passage of which it asked the concurrence of the House of Representatives:

Senate Joint Resolution No. 18, Joint resolution to establish an Interim Commission to study the present motor vehicle financial responsibility law.

#### **Senate Joint Resolution Read and Referred**

Senate Joint Resolution No. 18, Joint resolution to establish an Interim Commission to study the present motor vehicle financial responsibility law.

Read a first and second time, and referred to the Committee on Appropriations.

### Committee Reports

Mr. Fernald of Rochester, for the Joint Committee on Fisheries and Game, and Insurance, to whom was referred House Bill No. 313, An act relative to insurance for hunters, reported the same in new draft and with new title, with the recommendation that the bill in its new draft and with its new title be referred to the Committee on Fisheries and Game.

The report was accepted, the bill in its new draft and new title read a first and second time, laid upon the table to be printed, and referred to the Committee on Fisheries and Game.

Mr. Fernald of Rochester, for the Committee on Fisheries and Game, to whom was referred House Bill No. 485, An act opening Shannon Brook in Moultonborough to smelt fishing, reported the same with the recommendation that the bill ought to pass.

The undersigned, a minority of the Committee on Fisheries and Game, to whom was referred House Bill No. 485, An act opening Shannon Brook in Moultonborough to smelt fishing, having considered the same and being unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

HARVEY H. CONVERSE,  
ANDREW M. NICOLL,  
WM. G. ZIMMERMAN,  
ROY K. SARGENT,  
ALBERT E. SHEDD,

*A Minority of the Committee.*

The reports were accepted.

Mr. Nicholl of Bow moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Nicholl of Bow, Converse of Pittsburg and Zimmerman of Keene, spoke in favor of the motion.

Mrs. Banfield of Moultonborough and Messrs. Fernald of Rochester and Ransom of Meredith, spoke against the motion.

Mr. Laraba of Portsmouth moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

On a *viva voce* vote the motion did not prevail.

Mr. Nicholl of Bow asked for a division.

A division being had, 104 members having voted in the affirmative, and 200 members having voted in the negative, the motion to substitute the report of the minority, inexpedient to legislate, for the report of the majority, ought to pass, did not prevail.

The bill was ordered to a third reading.

Mrs. Banfield of Moultonborough moved that the rules be suspended, and House Bill No. 485 be put upon its third reading, by title, at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Spaulding of Hudson moved that the House reconsider the vote whereby it passed House Bill No. 485.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred Senate Bill No. 112, An act relating to damages under the death statute, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1. *Limitations.* Amend section 13 of chapter 355 of the Revised Laws by inserting after the word "thousand" in line 2 the words, five hundred; and by striking out the word "ten" in line 4 and inserting in place thereof the word, fifteen, so that said section as amended shall read as follows:

13. *Limitation.* The damages recoverable in any such action shall not exceed seven thousand five hundred dollars, except in cases where the plaintiff's decedent has left either a widow, widower, or minor children or a dependent father or

mother, when the damages recoverable shall not exceed fifteen thousand dollars.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted and the bill ordered to a third reading.

Mr. Turner of Keene, for the Committee on Judiciary, to whom was referred House Bill No. 236, An act relating to small claims, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 520, An act to repeal charters of certain corporations, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by adding after "Art and Gene's Service Station, Inc. (Merrimack, 1946)" in line 15 the following: Arthur Weaving Mills, Inc. (Concord, 1947)

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Myhaver of Peterborough, for the Committee on Transportation, to whom was referred House Bill No. 505, (in new draft), An act to regulate the speed of motor vehicles on public highways, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Speed Regulations, Evidence.* Amend section 30, chapter 119, by striking out said section and inserting in place thereof the following: 30. *Speed Regulations, Evidence.* Where no hazard exists that requires lower speed for compliance with section 29 the speed of any motor vehicle not in excess of the limits specified in this section or established as hereinafter authorized shall be *prima facie* lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be *prima facie* evidence

that the speed is not reasonable or prudent and that it is unlawful.

I. Twenty miles per hour when passing a school during recess or while children are going to or leaving school during opening or closing hours;

II. Twenty-five miles per hour in any business or urban residence district;

III. Thirty-five miles per hour in any rural residence district; and on any class V highway outside the compact part.

IV. Fifty miles per hour in other locations.

The *prima facie* speed limits set forth in paragraph IV of this section may be altered by the highway commissioner by the establishment of speed zones on class I, class II and class III highways as provided in section 6-a of part 19 of chapter 90 of the Revised Laws.

The driver of every motor vehicle shall, consistent with the requirements of section 29, drive at an appropriate reduced speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding highway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3. *Powers of Highway Commissioner.* Amend part 19 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by inserting after section 6 the following new section: 6-a. *Establishment of Speed Zones.* Whenever the highway commissioner shall determine upon the basis of an engineering and traffic investigation that any *prima facie* speed limit set forth in paragraph IV of section 30 of chapter 119 of the Revised Laws is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of a class I, class II or class III highway, outside the compact part of cities or towns, said commissioner may determine and declare a reasonable and safe *prima facie* speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of

said highway. The commissioner shall keep and maintain a full and complete record of all speed zones established by him and all alterations, amendments or removal thereof.

Further amend said bill by inserting after section 3 the following new section:

4. *Definitions.* Amend paragraph V of section 1 of chapter 115 of the Revised Laws as amended by section 1, chapter 177 of the Laws of 1947 by striking out said paragraph and inserting in place thereof the following:

V. "Dealer," every person principally engaged in the business of buying, selling, or exchanging new and second-hand motor vehicles, trailers, semi-trailers, or tractors on commission or otherwise, who maintains a place of business capable of housing indoors, in one building, five average sized automobiles, devoted to the motor vehicle, trailer, semi-trailer or tractor business and gives mechanical service on the same and who holds a written contract with a manufacturer giving such persons selling rights for new motor vehicles, trailers, semi-trailers, or tractors or with a distributor of such vehicles who as such distributor holds a manufacturer's franchise or contract giving selling rights on new motor vehicles, trailers, semi-trailers, or tractors, and every person principally engaged in the business of buying, selling, and exchanging secondhand motor vehicles, trailers, semi-trailers, or tractors and maintaining a place of business capable of housing indoors, in one building, five average sized automobiles, devoted to the motor vehicle, trailer, semi-trailer, or tractor business and gives mechanical service on the same in which the repair of motor vehicles, trailers, semi-trailers, or tractors is subordinate or incidental to the business of buying, selling, and exchanging the same, and every person principally engaged in the business of buying promissory notes secured by mortgage, conditional sale contract, or lease upon motor vehicles, trailers, semi-trailers, or tractors.

Further amend said bill by striking out section 4, re-numbering and inserting in place thereof the following:

5. *Repeal; Takes Effect.* Sections 16 and 18 of chapter 119 of the Revised Laws are hereby repealed and this act shall take effect October 1, 1949.

Amend the title of said bill by adding at the end thereof

the words, and to define the word "dealer" under the motor vehicle laws, so that said title as amended shall read as follows:

An act to regulate the speed of motor vehicles on public highways and to define the word "dealer" under the motor vehicle laws.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

Mrs. Brungot of Berlin, for the Joint Committee on Judiciary and Public Health, to whom was referred House Bill No. 111, An act relative to control of air pollution, reported the same with the amendment as printed in Journal of June 8, pages 15 and 16, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill referred to the Committee on Appropriations under the rules.

### Special Order

Mr. Atherton of Nashua called for the special order.

It being, House Bill No. 211, An act making appropriations for the expenses for the state of New Hampshire for the year ending June 30, 1950.

House Bill No. 212, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1951.

Mr. Atherton of Nashua continued discussion of the budget bills.

Mr. Eldridge of Exeter offered the following amendment.

Amend House Bill No. 211, under Department of Agriculture on page 8 of printed bill, strike out lines 30 to 43 inclusive.

(Discussion ensued)

Mr. Eldridge spoke in favor of the amendment.

Messrs. Pickett of Keene, Barry of Wilton, Fitch of Deerfield, Sanborn of Wakefield, Oakes of Landaff and Laraba of Portsmouth, spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.



Mr. Spaulding of Hudson offered the following amendment.

Amend House Bill No. 211 by striking out the appropriation for travel bureau amounting to \$8,146.00 so that the appropriation for the Comptroller will read as follows:

For comptroller: office of comptroller: salary of comptroller, \$6,200.00; other personal services, \$39,370.00; current expenses, \$4,575.00; travel, \$2,000.00; equipment, \$2,995.00; total, \$55,140.00. Other expenditures: State House Annex sinking fund, \$16,000.00; 2% assessment—state police, \$9,000.00; Mt. Washington observatory, \$1,500.00; firemen's relief, \$4,000.00; Prisoners Aid Association, \$600.00; League of N. H. Arts and Crafts, \$10,000.00; Old Home Week Association, \$300.00; military organizations, \$200.00; N. H. Veterans' Association, \$1,500.00; Atlantic Marine Fisheries, \$700.00; Classification plan board, \$750.00; total for comptroller's department, \$99,690.00

The question being on the amendment.

(Discussion ensued)

Messrs. Spaulding of Hudson and Angus of Claremont spoke in favor of the amendment.

Mr. Atherton of Nashua spoke against the amendment.

Mr. Betley of Manchester moved the bills be laid on the table until such time as members may have information on federal aid on Education Aid bill and with the motion pending the budget bills be laid upon the table and made a special order for Tuesday, June 21, at 11:01 o'clock.

The question being on the motion of Mr. Betley.

(Discussion ensued)

Messrs. Angus of Claremont, Lea of Pembroke and Betley of Manchester spoke in favor of the motion.

Messrs. Atherton of Nashua and Turner of Keene spoke against the motion.

Mr. Hart of Wolfeboro moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion of Mr. Betley.

On a *viva voce* vote the motion did not prevail.

The question being on the amendment offered by Mr. Spaulding of Hudson.

(Discussion ensued)

Mr. Marden of Chichester spoke in favor of the amendment.

Messrs. Sanborn of Wakefield and Scammon of Stratham spoke against the amendment.

Mr. Lea of Pembroke moved that the member from Hudson, Mr. Spaulding, be allowed to speak a third time on the amendment.

On a *viva voce* vote the motion prevailed.

On a *viva voce* vote the amendment of Mr. Spaulding was not adopted.

Mr. Marden of Chichester asked for a division.

A division being had, 141 members having voted in the affirmative, and 147 members having voted in the negative, the amendment was not adopted.

Mr. Durkee of Seabrook offered the following amendment.

Amend the bill by striking out, page 36, line 15, of the printed bill, the figure \$1,500,190.00 and inserting in place thereof the following figure of \$2,000,000.00. House Bill No. 221, under equalization of education—state aid to school districts.

The question being on the amendment of Mr. Durkee.

(Discussion ensued)

Mr. Durkee of Seabrook and Mrs. Dondero of Portsmouth spoke in favor of the amendment.

Messrs. Atherton of Nashua, Grass of Franconia, Fitch of Deerfield, Sanborn of Wakefield and Betley of Manchester spoke against the amendment.

Mr. Laraba of Portsmouth moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment of Mr. Durkee.

On a *viva voce* vote the amendment was not adopted.

Mr. Betley of Manchester asked for a division.

A division being had, 123 members having voted in the affirmative and 172 members having voted in the negative, the amendment was not adopted.

Mr. Durkee of Seabrook demanded the yeas and nays but subsequently withdrew his demand.

Mr. Betley of Manchester offered the following amendment:

Amend the bill by striking out, page 36, line 15, of the printed bill, the figure \$1,500,190.00 and inserting in place thereof the following figure, \$1,800,000.00.

The question being on the amendment of Mr. Betley.

(Discussion ensued)

Messrs. Betley and Malatras of Manchester spoke in favor of the amendment.

Mr. Sanborn of Wakefield spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Betley of Manchester asked for a division.

A division being had, 116 members having voted in the affirmative and 185 members having voted in the negative, the amendment was not adopted:

Mr. Durkee of Seabrook demanded the yeas and nays and the roll was called with the following result:

### Yeas, 118

ROCKINGHAM COUNTY: Griffin, Dondero, Payette, Bluitte, Durkee, Evans of South Hampton.

STRAFFORD COUNTY: Gouin, Grimes, Crandall, Stocklan, Dustin, St. Pierre, Letourneau, Cater of Somersworth.

BELKNAP COUNTY: Weeks of Gilford, Smith of New Hampton, Atwood.

CARROLL COUNTY: Wiggin.

MERRIMACK COUNTY: Couture, Coakley, Ferrin, Kennedy of Concord, Corbett, Saltmarsh, Towle, Chase, Burke, La-Branche of Franklin, Connor of Henniker, Dudevoir, Mullaire.

HILLSBOROUGH COUNTY: Black, Hambleton, Reed of Goffstown, Spaulding of Hudson, Reid of Litchfield, Corliss, Danforth, Connor of Manchester, Dwyer, Sweeney, Fitzgerald, Kean, Betley, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of Manchester, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Zyla,

O'Connor, Sullivan of Manchester, Ward 7, Cary, Gagnon of Manchester, Auger, McPhail, Roukey, Lareau, Vaillancourt, Daniel of Manchester, Gauthier, Cannon, Donnelly, Wedick, Landry, Brosnahan, Spalding of Nashua, Chasse, Maynard, Dionne, Paquette, Lavoie, Grandmaison, Janelle, Cote.

CHESHIRE COUNTY: Miller, Willard, Darling, Erwin, Smith of Keene, Pickett, Zimmerman, Forbes, Blake, Kershaw, Killeen, Rhodes.

SULLIVAN COUNTY: Riley, Nelson, Walker of Grantham, Wirkkala, Downing, Gardner of Springfield, Callum.

GRAFTON COUNTY: Brown of Ashland, Chamberlin of Bath, Grass, Fuller, Madden, Gardner of Littleton, Orr, Dusik.

COOS COUNTY: Mason, Henderson of Berlin, Lazure, Brungot, Fontaine, Gagnon of Berlin, Falkenham, Hamlin of Dummer, Fraser, Johnson of Milan, Ellingwood, Potter, Taylor.

### Nays, 193

ROCKINGHAM COUNTY: Graves, Persson, Hazelton, Fitch, Clark, Heon, Hepworth, Fecteau, Eldredge, Elwell, Rathbone, Richards, Sanborn of Fremont, Weeks of Greenland, Root, Merrill, Underwood, Stevens, Parmenter, Carter of North Hampton, Johnson of Northwood, Colcord, Alessi, Durell, Foote, Yeaton, Hobbs, Leary, Laraba, Ingraham of Portsmouth, Haigh, Peever, True, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Felker, Smalley, Dodge, Henderson of Durham, Parker, Webster, Wormhood, Horne, Rolfe, Jones of Rochester, Lacasse, Studley, Fernald, Leach, Green of Rollinsford, Lagueux, Malley, Brown of Strafford.

BELKNAP COUNTY: McAllister, Dearborn, Obert, Kelley of Gilmanton, Hart of Laconia, Simoneau, Tilton of Laconia, Keller, Shannon, Ewing, Ransom, Smith of Meredith, Bruno.

CARROLL COUNTY: Washburn, Downs, Hill, Lucy, MacGown, Wild, Banfield, Knox, Remick, Hodgdon, Sanborn of Wakefield, Hart of Wolfeboro.

MERRIMACK COUNTY: Nicol, Moore, Besse, Suosso, Hurd, Bunten, Greene of Concord, Roby, Blodgett, Nawn, Sawyer of

Concord, Sargent, Lorden, Kenney, Spiller, Bellerose, Ferguson, Holmes of Salisbury, Yerxa, Savory, Stebbins.

HILLSBOROUGH COUNTY: Tracy, Wilson, French, Farwell, Ellsworth, Jones of Francestown, Tirrell, Adams of Greenfield, Doonan, English, Crosby, Goodwin of Hollis, Goodwin of Hudson, Daniels of Manchester, Sawyer of Manchester, Leclerc, Peaslee of Merrimack, Falconer, Wadleigh, Fletcher, Atherton, Cooper, Ramsdell, Boire, Belcourt, Goulet, Betters, Dupont, Cormier, Shedd, Thompson of New Ipswich, Bigelow, Cummings of Peterborough, Osborne of Weare, Barry.

CHESHIRE COUNTY: Dort, Thomas, Walker of Hinsdale, Spofford, Perry of Jaffrey, Aldrich, Landers, Turner, Hall, Tolman, Andrews, Sherwin, Lang, Billings, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Perkins, Angus, Converse of Claremont, Bissonnett, Hutchins, Baron, Holmes of Langdon, Cummings of Newport, Williams of Washington.

GRAFTON COUNTY: Wadhams, Whittier, Wheeler, Willey, Eggleston, Dunbar, Williams of Grafton, Atkins, Holden, Chamberlin of Haverhill, Clough, Perry of Haverhill, Oakes, Adams of Lebanon, Ashley, Cole, Dwinell, Edson, Collins, Kelley of Littleton, Pushee, Bell, Loizeaux, Sawyer of Woodstock.

COOS COUNTY: Currier, Gould, Malloy, Kimball, Evans of Lancaster, Moses, Converse of Pittsburg, Phelan, Baker, Hinman.

And the amendment was not adopted.

Mr. Pickett of Keene offered the following amendment:

Amend on page 39, line 80a, of the printed bill, by striking out figure 455,030.00 and inserting in place thereof the figure, 472,430.00.

The question being on the amendment of Mr. Pickett.

(Discussion ensued)

Mr. Pickett of Keene and Mrs. Brungot of Berlin spoke in favor of the amendment.

Messrs. Fitch of Deerfield and Sanborn of Wakefield spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Eldridge of Exeter offered the following amendment:

Amend the bill by striking out, on page 44 and page 45, of the printed bill, under heading: "For board of inebriates," the entire section, lines 1 to 11, inclusive.

The question being on the amendment of Mr. Eldridge.

(Discussion ensued)

Mr. Eldridge of Exeter spoke in favor of the amendment. Messrs. Barry of Wilton, Sanborn of Wakefield and Wadleigh of Milford spoke against the amendment.

Mr. Pickett of Keene moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment of Mr. Eldridge.

On a *viva voce* vote the amendment was not adopted.

Mr. Eldridge of Exeter demanded the yeas and nays and the roll was called with the following result:

### Yeas, 126

ROCKINGHAM COUNTY: Eldredge, Elwell, Rathbone, Sanborn of Fremont, Weeks of Greenland, Underwood, Stevens, Carter of North Hampton, Colcord, Dondero, Payette, Durrell, Hobbs, Leary, Bluitte, True, Durkee.

STRAFFORD COUNTY: Gouin, Grimes, Felker, Crandall, Stocklan, Rolfe, Green of Rollinsford, Letourneau, Cater of Somersworth.

BELKNAP COUNTY: Obert, Hart of Laconia, Shannon, Smith of Meredith.

CARROLL COUNTY: Downs, Hill, Lucy, MacGown, Hodgdon, Hart of Wolfeboro.

MERRIMACK COUNTY: Couture, Nicoll, Coakley, Ferrin, Suosso, Corbett, Nawn, Towle, Burke, Lorden, Dudevoir, Belle-rose, Lea, Stebbins.

HILLSBOROUGH COUNTY: Wilson, Farwell, Ellsworth, Crosby, Spaulding of Hudson, Corliss, Danforth, Sawyer of Manchester, Connor of Manchester, Dwyer, Fitzgerald, Betley, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of Manchester, Ecker, Healy of Manchester, Ward 6,

Zyla, O'Connor, Sullivan of Manchester, Ward 7, Cary, Gagnon of Manchester, Auger, McPhail, Lareau, Vaillancourt, Daniel of Manchester, Cannon, Donnelly, Falconer, Ramsdell, Landry, Belcourt, Chasse, Maynard, Dionne, Betters, Dupont, Lavoie, Grandmaison, Cote, Thompson of New Ipswich, Bigelow.

CHESHIRE COUNTY: Spofford, Aldrich, Landers, Erwin, Forbes, Andrews.

SULLIVAN COUNTY: Perkins, Converse of Claremont, Hutchins, Baron, Riley, Walker of Grantham, Holmes of Langdon, Wirkkala, Downing, Read of Plainfield, Callum, Williams of Washington.

GRAFTON COUNTY: Wadhams, Eggleston, Williams of Grafton, Oakes, Ashley, Madden, Gardner of Littleton, Dusik, Pushee.

COOS COUNTY: Fontaine and Gagnon of Berlin, Falkenham, Moses, Johnson of Milan, Potter.

### Nays, 177

ROCKINGHAM COUNTY: Griffin, Persson, Hazelton, Fitch, Clark, Hepworth, Richards, Root, Merrill, Parmenter, Johnson of Northwood, Alessi, Foote, Yeaton, Laraba, Ingraham of Portsmouth, Haigh, Peever, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Smalley, Dodge, Henderson of Durham, Parker, Webster, Wormhood, Horne, Dustin, Jones of Rochester, St. Pierre, Lacasse, Studley, Fernald, Leach, Lagueux, Malley, Brown of Strafford.

BELKNAP COUNTY: McAllister, Dearborn, Weeks of Gilford, Kelley of Gilmanton, Simoneau, Tilton of Laconia, Keller, Ewing, Ransom, Smith of New Hampton, Atwood, Bruno.

CARROLL COUNTY: Washburn, Wild, Banfield, Wiggin, Knox, Remick, Sanborn of Wakefield.

MERRIMACK COUNTY: Moore, Besse, Kennedy of Concord, Hurd, Saltmarsh, Tilton of Concord, Bunten, Greene of Concord, Roby, Blodgett, Sawyer of Concord, Sargent, Chase, LaBranche of Franklin, Connor of Henniker, Mullaire,

Kenney, Spiller, Ferguson, Holmes of Salisbury, Yerxa, Savory.

HILLSBOROUGH COUNTY: Tracy, French, Black, Jones of Francestown, Hambleton, Reed of Goffstown, Tirrell, Adams of Greenfield, Doonan, English, Goodwin of Hollis, Goodwin of Hudson, Reid of Litchfield, Daniels of Manchester, Gauthier, Wedick, Peaslee of Merrimack, Wadleigh, Fletcher, Atherton, Cooper, Boire, Goulet, Brosnahan, Spalding of Nashua, Paquette, Cormier, Janelle, Shedd, Osborne, Barry.

CHESHIRE COUNTY: Dort, Thomas, Miller, Walker of Hinsdale, Perry of Jaffrey, Willard, Darling, Smith of Keene, Turner, Pickett, Zimmerman, Hall, Tolman, Sherwin, Blake, Kershaw, Lang, Killeen, Rhodes, Billings, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Nelson, Cummings of Newport, Gardner of Springfield.

GRAFTON COUNTY: Brown of Ashland, Chamberlin of Bath, Whittier, Wheeler, Willey, Dunbar, Grass, Atkins, Fuller, Holden, Chamberlin of Haverhill, Clough, Perry of Haverhill, Adams of Lebanon, Cole, Dwinnell, Edson, Collins, Kelley of Littleton, Orr, Bell, Loizeaux, Sawyer of Woodstock.

COOS COUNTY: Mason, Henderson of Berlin, Lazure, Brungot, Currier, Gould, Hamlin of Dummer, Fraser, Malloy, Kimball, Evans of Lancaster, Ellingwood, Converse of Pittsburg, Phelan, Baker, Hinman, Taylor.

And the amendment was not adopted.

### Notice of Voting

Messrs. Fecteau of Epping and Heon of Derry rose to a point of personal privilege and stated that they were unavoidably detained when the roll was called on the amendment offered by Mr. Eldridge and had they been present they would have voted "yes" on the amendment.

Mr. Malatras of Manchester offered the following amendment:

Amend the bill by striking out on page 18, line 3, of the printed bill, under Purchasing Agent, the figure \$23,099.90 and inserting in place thereof the following figure, \$19,499.00



The question being on the amendment of Mr. Malatras.

(Discussion ensued)

Mr. Malatras of Manchester spoke in favor of the amendment.

spoke against the amendment.

Mr. Turner of Keene moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment of Mr. Malatras.

On a *viva voce* vote the amendment was not adopted.

Messrs. Sawyer of Manchester and Atherton of Nashua

Mrs. Wild of Jackson offered the following amendment.

Amend said bill as printed, by adding new section as follows:

3. *Transfer of Funds.* \$15,000 from the Franconia Notch current expenses and \$15,000 from the Mount Sunapee State Park current expenses shall be allocated to the New Hampshire State Planning and Development Commission to re-open a New York office advertising the entire recreational and industrial areas in the State.

The question being on the amendment of Mrs. Wild.

(Discussion ensued)

Mrs. Wild of Jackson spoke in favor of the amendment.

Mr. Downey of Manchester spoke against the amendment.

Mr. Barry of Wilton moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the amendment of Mrs. Wild.

On a *viva voce* vote the amendment was not adopted.

Mr. Baron of Claremont offered the following amendment:

Amend House Bill No. 211. Reduce by ten per cent the amounts listed in the various appropriations in all departments under the following listings:

Current expenses, travel, equipment.

The question being on the amendment.

(Discussion ensued)

Mr. Baron of Claremont spoke in favor of the amendment.

Messrs. Atherton of Nashua and Sanborn of Wakefield spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Baron of Claremont asked for a division.

A division being had, 73 members having voted in the affirmative, and 186 members having voted in the negative, the amendment was not adopted.

Mr. Laraba of Portsmouth moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being, Shall the bills pass?

On a *viva voce* vote the motion prevailed and the bills were ordered to a third reading.

Mr. Angus of Claremont asked for a division.

A division being had, the vote was declared manifestly in the affirmative, and House Bills Nos. 211 and 212 were ordered to a third reading.

### Resolutions

Mr. Sullivan of Ward 7, Manchester, offered the following resolution:

*Whereas* today is the 65th birthday of Representative Frank J. Grimes of Dover,

*Resolved*, That we the members of the House of Representatives congratulate him and may his future be one of good health and his share of happiness.

On a *viva voce* vote the resolution was adopted.

Mrs. Dondero of Portsmouth offered the following resolution:

*Whereas*, tomorrow, June 10, 1949, is the birthday of Margaret E. Dustin, Representative from Rochester, therefore be it

*Resolved*, That we extend to our fellow member our very best wishes for a Happy Birthday tomorrow and for many years to come.

On a *viva voce* vote the resolution was adopted.

Mrs. Richards of Exeter offered the following resolution:

*Whereas*, we have learned of the death of Eugene C. Williams, father of Eugene Williams, Messenger for the Appropriations Committee, therefore be it

*Resolved*, That we extend our heartfelt sympathy to Mr. Williams in his bereavement, and be it further

*Resolved*, That the Clerk be instructed to transmit a copy of these resolutions to Mr. Williams.

On a *viva voce* vote the resolution was adopted.

### Committee Report

Mr. Laraba of Portsmouth moved that the rules be suspended to allow of a committee report which had not previously been advertised in the Journal.

On a *viva voce* vote the motion prevailed.

Mr. Hinman of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 450, An act relating to outdoor advertising, reported the same, in new draft, with the recommendation that the bill in new draft be re-committed to the Committee on Judiciary.

The report was accepted.

The bill in its new draft was read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Judiciary.

On motion of Mr. Wadleigh of Milford the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

### Afternoon

On motion of Mr. Wadleigh of Milford the rules were suspended, third reading of bills, by their titles, made in order and when the House adjourns today it adjourns to meet Tuesday at 11:00 o'clock.

### Third Readings

House Bill No. 211, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1950.

Read a third time and passed and sent to the Senate for concurrence.

### Reconsideration

Mr. Atherton of Nashua moved that the House reconsider the vote whereby the House passed House Bill No. 211.

On a *viva voce* vote the motion to reconsider did not prevail.

House Bill No. 212, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1951.

The question being, Shall the bill pass?

Mr. Edson of Lebanon demanded the yeas and nays and the roll was called with the following result:

**Yeas, 228**

GRAFTON COUNTY: Brown of Ashland, Chamberlin of Bath, Whittier, Wheeler, Willey, Eggleston, Dunbar, Grass, Williams of Grafton, Atkins, Fuller, Holden, Chamberlin of Haverhill, Clough, Perry of Haverhill, Oakes, Adams of Lebanon, Ashley, Cole, Dwinell, Collins, Gardner of Littleton, Kelley of Littleton, Orr, Pushee, Bell, Loizeaux, Sawyer of Woodstock.

COOS COUNTY: Mason, Lazure, Fontaine and Gagnon of Berlin, Currier, Falkenham, Hamlin of Dummer, Fraser, Malloy, Kimball, Evans of Lancaster, Moses, Johnson of Milan, Ellingwood, Potter, Converse of Pittsburg, Phelan, Baker, Hinman, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Persson, Hazelton, Fitch, Clark, Hepworth, Fecteau, Eldredge, Elwell, Rathbone, Richards, Sanborn of Fremont, Weeks of Greenland, Root, Merrill, Underwood, Stevens, Parmenter, Carter of North Hampton, Johnson of Northwood, Colcord, Durell, Foote, Yeaton, Hobbs, Leary, Laraba, Ingraham of Portsmouth, Bluitte, Haigh, Peever, True, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Smalley, Crandall, Stocklan, Henderson of Durham, Parker, Webster, Wormhood, Horne, Rolfe, Dustin, Jones of Rochester, Studley, Fernald, Leach, Green of Rollinsford, Lagueux, Malley, Brown of Strafford.

BELKNAP COUNTY: McAllister, Dearborn, Obert, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Tilton of Laconia, Keller, Shannon, Ewing, Ransom, Smith of Meredith, Atwood.

CARROLL COUNTY: Washburn, Downs, Hill, Lucy, MacGown, Wild, Banfield, Wiggin, Knox, Remick, Hodgdon, Sanborn of Wakefield, Hart of Wolfeboro.

MERRIMACK COUNTY: Nicoll, Moore, Besse, Kennedy of Concord, Suosso, Hurd, Nash, Saltmarsh, Tilton of Concord, Bunten, Green of Concord, Roby, Blodgett, Nawn, Sawyer of Concord, Sargent, Towle, Chase, Lorden, Connor of Henniker, Kenney, Spiller, Ferguson, Holmes of Salisbury, Yerxa, Savory, Stebbins.

HILLSBOROUGH COUNTY: Tracy, French, Black, Ellsworth, Jones of Francestown, Reed of Goffstown, Tirrell, Adams of Greenfield, Doonan, English, Crosby, Goodwin of Hollis, Goodwin of Hudson, Spaulding of Hudson, Reid of Litchfield, Corliss, Daniels of Manchester, Danforth, Wedick, Peaslee of Merrimack, Wadleigh, Fletcher, Atherton, Cooper, Boire, Landry, Goulet, Brosnahan, Betters, Dupont, Janelle, Cote, Shedd, Thompson of New Ipswich, Bigelow, Cummings of Peterborough, Osborne, Barry.

CHESHIRE COUNTY: Dort, Thomas, Miller, Walker of Hinsdale, Spofford, Perry of Jaffrey, Landers, Darling, Turner, Zimmerman, Hall, Forbes, Tolman, Andrews, Sherwin, Blake, Kershaw, Lang, Killeen, Rhodes, Billings, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Perkins, Converse of Claremont, Bissonnett, Hutchins, Holmes of Langdon, Wirkkala, Cummings of Newport, Read of Plainfield, Gardner of Springfield, Callum, Williams of Washington.

#### Nays, 68

GRAFTON COUNTY: Wadhams, Edson, Madden.

COOS COUNTY: Henderson of Berlin.

ROCKINGHAM COUNTY: Alessi, Dondero, Payette, Durkee.

STRAFFORD COUNTY: Gouin, Grimes, Felker, Dodge, St. Pierre, Lacasse, Letourneau, Cater of Somersworth.

BELKNAP COUNTY: Simoneau, Smith of New Hampton.

CARROLL COUNTY: None.

MERRIMACK COUNTY: Couture, Coakley, Ferrin, Corbett, Burke, LaBranche of Franklin, Dudevoir, Mullaire, Bellerose.

HILLSBOROUGH COUNTY: Wilson, Farwell, Hambleton, Sawyer of Manchester, Connor of Manchester, Dwyer, Fitzgerald, Betley, Kazakis, Malatras, O'Brien, Shea of Manchester, Ecker, Healy of Manchester, Ward 6, Zyla, O'Connor, Sullivan of Manchester, Ward 7, Cary, Gagnon of Manchester, Auger, McPhail, Lareau, Vaillancourt, Daniel of Manchester, Gauthier, Donnelly, Falconer, Belcourt, Spalding of Nashua, Chasse, Maynard, Dionne, Lavoie, Grandmaison.

CHESHIRE COUNTY: Pickett.

SULLIVAN COUNTY: Angus, Baron, Riley, Nelson, Walker of Grantham, Downing.

And the bill passed and was sent to the Senate for concurrence.

### Reconsideration

Mr. Atherton of Nashua moved that the House reconsider the vote whereby the House passed House Bill No. 212.

On a *viva voce* vote the motion to reconsider did not prevail.

### Third Readings

House Bill No. 236, An act relating to small claims.

House Bill No. 520, An act to repeal charters of certain corporations.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 112, An act relating to damages under the death statute.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

On motion of Mr. Edson of Lebanon at 4:50 o'clock the House adjourned.

TUESDAY, JUNE 14, 1949

The House met according to adjournment.

### **Joint Convention**

Prayer was offered by the Chaplain.

Eternal God, in Whom alone is the strength of our hearts and the hope of the welfare of our State, we come to Thee for wisdom and guidance. Help us to face the important issues of this day with a deep conviction that we are doing Thy will. We not only ask for courage to do the right, but for a knowledge of the right that is worthy of the courage with which Thou doest endow us. Save us, our God, from being little men and women in the midst of great and fundamental obligations that have been laid upon us. Through Jesus Christ our Lord. Amen.

Both branches of the Legislature being in convention, attended by His Excellency, the Governor and the Honorable Council, Dr. J. Squires, President of the S. A. R., presented to the state the original flag of Fort Bennington, Vermont.

The flag was accepted by His Excellency, the Governor, on behalf of the state.

The convention rose.

### **House**

#### **Leaves of Absence**

Messrs Sawyer of Concord and Edson of Lebanon were granted leave of absence for the day on account of important business.

Mr. Ransom of Meredith was granted leave of absence for the day on account of illness.

Mr. Spaulding of Nashua was granted leave of absence for the week on account of illness in the family.

### **Communication**

The following letter was read by the Speaker:

Honorable Speaker of the House,  
Legislature of the State of New Hampshire,  
State Capitol,  
Concord, New Hampshire.

DEAR SIR:

The members of the Legislature of the State of Massachusetts herewith issue an open challenge to the Legislature of the State of New Hampshire to meet in a milking contest on Boston Common on Wednesday, June 22, at approximately 12 o'clock noon.

Since June is Dairy Month, we deem it appropriate that teams of three expert milkers from the Legislatures of the six New England states engage in a milking contest to determine the best strippers. Participants may, if they so desire, provide and milk their own animals, otherwise, Massachusetts will have cows available for their use.

Should you accept this challenge, please telegraph me at the State House in Boston as soon as possible. Name your contact man with whom final arrangements can be made, as to time and rules of the contest and we will communicate with him just as soon as we hear from you.

In the interests of the New England states, we, the Legislators of Massachusetts, feel that such a contest, attracting thousands of people, would be of substantial value to our great industry.

Very truly yours,

CHARLES W. OLSEN,  
State Senator,  
Middlesex and Norfolk District.

The letter was referred to the Committee on Agriculture.

### **Ruling of Chair**

The Chair made the following ruling, with reference to House Bill No. 361, An act relative to fees for special permits to move objects or vehicles and loads. This bill was erroneously referred to Committee of Conference contrary to the joint rules of the House and Senate. Therefore the appointment of the Committee of Conference is revoked and the bill is recommended to the Joint Committee on Engrossed Bills.

### **Committee Reports**

Mr. Eldridge of Exeter, for the Committee on Military and Veterans' Affairs, to whom was referred Senate Bill No.



107, An act relative to fire emergencies of military origin, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Myhaver of Peterborough, for the Committee on Transportation, to whom was referred House Bill No. 505 (in new draft), An act to regulate the speed of motor vehicles on public highways, reported the same with the amendment as printed in the Journal of June 9th, on pages 11, 12, 13, and 14, and the recommendation that the bill as amended ought to pass.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

### Special Committee Report

The Special Committee, consisting of the member from Hudson, Mr. Spaulding; the member from Rochester, Mr. Jones; and the member from Mont Vernon, Mr. Fletcher, as appointed by the Speaker to investigate, improve and report on the loud speaker system, having attended to its duties, make the following report:

1. Lt. Basil Cutting of the state police has made a complete overhaul of the system and he reports that the speaker system was unbalanced and two or three amplifier tubes were burned and have been replaced and the system has been properly balanced.

2. A page has been assigned to the control box at the Speaker's desk and has received instructions to properly control the volume for the variation in speakers using the microphones.

The committee makes the following recommendations:

1. That another microphone of the same type as now in use be installed on a swivel arm for the use of the Clerk and Assistant Clerk of the House. This installation to be made in

order that the follor type microphones may be made available at all times for the use of the members of the House.

Respectfully submitted,

NED SPAULDING,  
MAURICE A. JONES,  
FREDERIC H. FLETCHER,  
*For the Special Committee.*

The report was accepted.

### Reconsideration

Mr. Ashley of Lebanon moved that the House reconsider the vote whereby it adopted the Senate amendment on House Bill No. 360, as printed in the Journal of Thursday, May 19.

The question being on the motion of Mr. Ashley.

(Discussion ensued)

Mr. Ashley of Lebanon spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

Mr. Ashley of Lebanon moved that the House non-concur in the Senate amendment and a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed.

The Speaker appointed as members on such committee on part of the House, Messrs. Ashley of Lebanon, Stebbins of Webster and Black of Bennington.

### Resolutions

Mrs. Cooper of Nashua offered the following resolution:

*Whereas*, we have learned with sorrow of the death of Andrew C. Elliott, Representative from Milford, therefore be it

*Resolved*, That we, the members of the House of Representatives, mourn the passing of our fellow member and pay tribute to his faithful public service to his own town and state, and be it further

*Resolved*, That we extend our heartfelt sympathy to his family in its bereavement, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Mrs. Elliott.

The resolution was unanimously adopted by a rising vote.

The Speaker appointed as members to attend the funeral: Fred T. Wadleigh of Milford, William M. Falconer of Milford, Charles A. Tracy of Amherst, Frederic H. Fletcher of Mont Vernon, Lane Dwinell of Lebanon, Charles T. Durell of Portsmouth, George F. Thibodeau of Wolfeboro, Robert C. Hazelton of Chester, Tony O. Russell of Sunapee, Leonard B. Peever of Salem, Mrs. Mabel T. Cooper of Nashua, David J. Barry of Wilton, Blaylock Atherton of Nashua, Anna J. Goodwin of Hollis.

Mrs. Goodwin of Hollis offered the following resolution:

*Whereas*, today is the sixty-eighth birthday of Ira Orlando Willard, Representative from Keene, therefore be it

*Resolved*, That we extend to our fellow member our very best wishes for a Happy Birthday for today and many years to come.

On a *viva voce* vote the resolution was adopted.

Mr. Sullivan of Ward 7, Manchester, offered the following resolution:

*Whereas*, we have learned of the death of Dr. Damase Caron of Manchester, former mayor of the City of Manchester for ten years, Physician for Hillsborough County for several years. Physician General of the Association Canado Americaine, long prominent in civic and political life, therefore be it

*Resolved*, That we mourn the passing of a man who has served his city and county so well, and we pay tribute to his faithful public service, and be it further

*Resolved*, That we express our heartfelt sympathy to his family in its bereavement, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Mrs. Caron.

The resolution was unanimously adopted by a rising vote.

### Special Order

Mr. Thibodeau of Nashua called for the special order.

Mrs. Goodwin of Hollis, for the Committee on Public Welfare and State Institutions, to whom was referred Senate Bill No. 94, An act relating to beano, reported the same with the

recommendation that the bill be referred to the Judiciary Committee.

The report was accepted.

The question being on the recommendation of the committee.

Mr. Nash of Concord moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Nash and Tilton of Concord, Lea of Pembroke, Tracy of Amherst and Thibodeau of Wolfeboro, spoke in favor of the motion.

Messrs. Pickett of Keene and Ecker of Manchester, and Mrs. Brungot of Berlin, spoke against the motion.

Mr. Sullivan of Ward 6, Manchester, moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Ecker of Manchester asked for a division.

A division being had, 154 members having voted in the affirmative, and 180 members having voted in the negative, the motion to indefinitely postpone did not prevail.

The question being on the recommendation of the committee that the bill be referred to the Committee on Judiciary.

Mr. Pickett of Keene moved that the words "ought to pass" be substituted for the recommendation of the committee.

The question being on the motion of Mr. Pickett.

(Discussion ensued)

Mr. Angus of Claremont spoke in favor of the motion.

Mr. Laraba of Portsmouth and Mrs. Brungot of Berlin spoke against the motion.

On a *viva voce* vote the motion of Mr. Pickett did not prevail.

The question being on the recommendation of the committee, that the bill be referred to the Committee on Judiciary.

On a *viva voce* vote the recommendation of the committee was adopted.

The bill was referred to the Committee on Judiciary.

### Bills Engrossed

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolutions:

House Joint Resolution No. 13, Joint resolution in favor of Samuel W. Tenofsky.

House Joint Resolution No. 31, Joint resolution in favor of Alfred M. Jenness.

House Bill No. 162, An act relative to payments to towns for flood control.

House Bill No. 283, An act relative to licenses for hotels.

House Bill No. 286, An act relating to the Atlantic States Marine Fisheries and Commission.

House Bill No. 291, An act relative to the salary of the Mayor and establishing a department of public works in the City of Rochester.

House Bill No. 400, An act to revise the Charter of the city of Franklin.

House Bill No. 414, An act providing a Council-Manager plan charter for the city of Concord.

House Bill No. 481, An act relative to merit ratings under the unemployment compensation system.

House Bill No. 496, An act relating to the appointment of assistant highway commissioners and a chief engineer.

House Bill No. 501, An act to revise the charter of the city of Concord.

Senate Bill No. 129, An act authorizing the town of Hampton to issue serial notes or bonds.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 198, An act relating to the taking of deer by bow and arrow.

House Bill No. 512, An act relative to the charter of the city of Dover.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 101, An act pertaining to conduct of operator of motor vehicle after accident.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

Senate Bill No. 8, An act in amendment of the laws relative to the Union School District in Concord.

House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases and changing method of reporting records of adoptions and divorces.

House Bill No. 414, An act providing a council-manager plan charter for the city of Concord.

House Bill No. 476, An act providing for the classification of certain surface waters.

House Bill No. 501, An act to revise the charter of the city of Concord.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 185, An act relating to photographic copies of documents and records.

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1. (a) The term "business" shall include every kind of business, profession, occupation, operation of institutions, and calling of every kind, whether private or public.

(b) The term "record" shall include any memorandum, writing, entry, print, representation, or combination thereof, of any act, transaction, occurrence or event,

(c) The term "photograph" shall include any photostatic, photographic, micro-photographic, or other reproduction, including any enlarged copy thereof, by any photographic process on film or other medium.

2. Any photograph of a record identified by the custodian of such photograph shall be equally admissible in evidence as the record itself in any judicial or administrative proceeding, if, when such photograph was made, it was in the regular course of such business to make such photograph. All circumstances of the making of such photograph may be shown to affect the weight, but not the admissibility thereof. The destruction, loss or other disposal of the original record shall not preclude the admissibility of a photograph thereof made in accordance with the provisions of this act.

3. This act shall take effect upon its passage.

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 300, An act relating to obscene literature, pictures and articles.

Amend said bill by striking out all preambles before the enacting clause.

On motion of Mr. Martell of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Notice of Voting

Mr. Martel of Manchester rose to a point of personal privilege and stated that he was unavoidably detained when the roll was called on the question, "Shall the bill pass?" on

House Bill No. 211, and had he been present he would have voted no on the question.

### Resolution

Mr. Martel of Manchester offered the following resolution:

Monsieur l'Orateur:

Je propose que les reglements de la chambre soient suspendus pour reconnaitre a l'heure actuelle l'ordre du jour de l'apres-midi et proceder a la troisieme lecture des projets de lois (et des resolutions conjointes) par leurs titres seulement.

On a *viva voce* vote the resolution was adopted.

### Third Readings

House Bill No. 505 (in new draft), An act to regulate the speed of motor vehicles on public highways.

Read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 107, An act relative to fire emergencies of military origin.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Martel of Manchester at 12:37 o'clock the House adjourned.

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WEDNESDAY, JUNE 15, 1949

The House met according to adjournment.

Prayer was offered by Rev. G. Theodore Forsburg, Pastor of Concordia Lutheran Church, Concord, N. H.

Dear Lord God and Heavenly Father, the Father of all mankind, with Whom one day is as a thousand years and a thousand years as one day; we thank Thee for Thy loving kindness and mercy, and for Thy graciousness that Thou dost consider our humble praises and petitions and art ever mind-



ful of our needs. We thank Thee for this new day and for all the opportunities it presents us to find happiness through serving and satisfaction through discharging our responsibilities. We beseech Thee, Almighty Father, that Thy will may be done in all that we think and say and do, and that in Thy sight we may be strengthened to do what is required of us, to do justly, and to love mercy and to walk humbly with Thee. Be with and guide, O Lord, these servants here assembled today. Bless their deliberations and their decisions made in the interests and for the welfare of the people of our state and nation. Endue them with grace so to rule and govern us that righteousness and justice may prevail that we may lead a quiet and peaceable life in all godliness and honesty. Forgive us our sins of omission and commission and in Thy mercy establish peace and concord among nations and among ourselves, Thou Who hast sent us the Prince of Peace and to Whom be all honor, glory and blessing, now and forevermore. Amen.

### Leaves of Absence

Mr. Sawyer of Concord was granted leave of absence for the day on account of important business.

Mr. Nolan of Manchester was granted leave of absence for the day on account of illness in family.

Mr. Eggleston of Canaan was granted leave of absence for the day on account of attending a funeral.

Mr. Nash of Concord was granted leave of absence for the remainder of the week on account of important business.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 8, An act in amendment of the laws relative to the Union School District in Concord.

Senate Bill No. 101, An act pertaining to conduct of operator of motor vehicle after accident.

Senate Bill No. 109, An act providing for regulation of open-air motion picture theatres.

House Bill No. 198, An act relating to the taking of deer by bow and arrow.

House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases and changing method of reporting records of adoptions and divorces.

House Bill No. 476, An act providing for the classification of certain surface waters.

The report was accepted.

### Resolution

Mr. Tilton of Laconia offered the following resolution:

*Whereas*, We have learned of the death of Grenville S. Bell, father of the Representative from Plymouth, Kenneth G. Bell, therefore be it

*Resolved*, That we extend our heartfelt sympathy to our fellow member in his bereavement, and be it further

*Resolved*, That the Clerk be instructed to transmit a copy of these resolutions to Mr. Bell.

On a *viva voce* vote the resolution was unanimously adopted.

### Committee Reports

Mr. Angus of Claremont, for the Committee on Labor, to whom was referred Senate Bill No. 122, An act relating to unemployment compensation benefits for national guard personnel, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Green of Rollinsford, for the Committee on Municipal and County Government, to whom was referred House Bill No. 525, An act to legalize proceedings of certain towns, school districts and county delegations, and to authorize other municipal action, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Stanley of Rochester, for the Committee on Public Health, to whom was referred House Bill No. 137, An act relative to rights of village districts to collect garbage, re-

ported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Peever of Salem, for the Committee on Ways and Means, to whom was referred House Bill No. 189, An act for the taxation of property passing by sale at retail, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend sub-section (d) of section 2 of said bill by striking out all of said sub-section and inserting in place thereof the following: (d) "Sale" means any transfer, exchange, or barter, of tangible personal property in any manner or by any means whatsoever, for a consideration in the regular course of business, and includes leases and contracts payable by rental or license fees for the right of possession and use.

Amend section 3 of said bill by striking out the word and figures, "July 1, 1949" in the second and third lines thereof and substituting therefor the following: September 1, 1949 and through and including June 30, 1951; so that said section as amended will read as follows: 3. *Sales Tax*. A tax is hereby imposed at the rate of one per cent upon the value of all tangible personal property sold at retail in this state on and after September 1, 1949 and through and including June 30, 1951, measured by the sale price, except as in this act provided. Retailers shall pay such tax at the time and in the manner hereinafter provided and it shall be in addition to all other taxes.

Amend section 4 of said bill by striking out said section and inserting in place thereof the following: 4. *Use Tax*. A tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property purchased at retail without this state on or after September 1, 1949 and through and including June 30, 1951, at the rate of one per cent of the sale price. Every person so storing, using or otherwise consuming is liable for the tax until he has paid the same or has taken a receipt from his seller thereto duly authorized by the commission, showing that the seller has collected the sale or use tax, in which case the seller shall be liable for it. The commission, under such rules and regula-

tions as it may establish, may authorize any retailer to collect the tax. In addition to the general exemptions provided in this act, the use tax shall not apply to any article of tangible personal property purchased without the state by a resident of this state when the purchase price does not exceed twenty-five dollars and such purchase is for personal use and consumption and not for use in carrying on a trade, occupation, business or profession. Whenever any tangible personal property, whose sale or use is subject to the tax under this act, is required to be licensed or registered under the laws of this state, no such license or registration shall be granted unless the applicant exhibits a receipt for the sale or use tax thereon, or unless the issuing agency has on file a record of such payment.

Amend section 6 of said bill by striking out the words and figures, "annually before July 1," in the third line, and inserting in place thereof the following: before September 1, 1949 and annually thereafter before July 1 so long as this act is in force; so that said section as amended shall read as follows: 6. *Registration of Sellers.* In order to facilitate the enforcement of this act, every seller within the state, whether or not at retail, but excluding casual sellers, shall register with the tax commission before September 1, 1949 and annually thereafter before July 1, so long as this act is in force. Forms for application for registration certificates shall be prescribed and furnished free by the commission. On applying for registration, the seller shall pay the sum of one dollar towards the expense of administering this act for each place of business conducted by him in this state. For each such place the commission shall issue a registration certificate, which shall be conspicuously displayed at the place for which it is issued. No certificate shall be assignable, but it may be used by the legal representative of a registrant deceased, bankrupt, or insolvent.

Amend paragraph (a) of section 10 of said bill by striking out said paragraph and inserting in place thereof the following: (a) The sales of motor fuel or fuel other than motor fuel, as defined in chapter 65 of the Laws of 1943, upon which the road toll and airways toll are now imposed by the state, provided that the motor vehicle commissioner shall deduct from any rebate of said taxes due any purchaser of said

fuels the amount due on account of the sales tax hereunder. Said deductions shall be forwarded to the commission.

Amend section 11 of said bill by striking out the last sentence, so that said section as amended shall read as follows:

11. *Advertising.* It shall be unlawful for any retailer to advertise or hold out or state to the public or to any consumer, directly or indirectly, that the tax or any part thereof imposed by this act will be assumed or absorbed by the retailer, or that it will not be added to or included in the selling price of the property sold, or if added or included that it or any part thereof will be refunded.

Amend section 12 of said bill by striking out the word "August" in the third line and inserting in place thereof the word, October: Further amend said section by striking out the last sentence and inserting in place thereof the following: Every person subject to the use tax shall file similar reports at such dates as the commission shall by regulation prescribe, and shall pay the tax or furnish a receipt for the same from a registered retailer; so that said section as amended shall read as follows: 12. *Collection of Tax; Report to Commission.* Every retailer shall file with the commission, on or before the fifteenth day of each month, beginning with the fifteenth day of October, 1949, a report made under the pains and penalties of perjury on such form as the commission may prescribe, which shall disclose the total sale price of all sales made during the preceding calendar month, and such other information as the commission shall require. The commission may permit the filing of returns every three months instead of monthly, if in the administration of said act it seems advisable. The commission, by regulation, may waive reporting non-taxable sales. The commission may for good cause extend for not exceeding thirty days the time for making returns required under the provisions of this act. Every person subject to the use tax shall file similar reports at such dates as the commission shall by regulation prescribe, and shall pay the tax or furnish a receipt for the same from a registered retailer.

Amend section 16 of said bill by striking out the words, "on personal estates" after the word, "taxes" in the fifth line of said section, so that said section as amended shall read as follows: 16. *Warrant for Collection of Overdue Taxes.* The tax commission may issue a warrant for the collection of any

overdue tax to the tax collector of any town or city or to some deputy of the said commission thereto designated in writing by said commission, who shall have the same remedies and the same fees for collection of such taxes as are provided by law for the collection of property taxes. The tax collector or deputy of the commission shall account for all collections made upon such warrant to the state treasurer.

Amend section 19 of said bill by adding at the end thereof the words, from the filing of such report; so that said section as amended shall read as follows: 19. *Deficiency Assessment.* After a report is filed under the provisions of this act, the commission shall cause the same to be examined, and may make such further audits or investigations as they may deem necessary, and if therefrom they shall determine that there is a deficiency with respect to the payment of any tax due under this act they shall assess the additional taxes and interest due the state, give notice of such assessment to the person liable, and make demand upon him for payment, but no such additional assessment can be made after two years from the filing of such report.

Amend said bill by inserting after section 21 the following new section: 22. *Payment; to Whom Made.* Except as otherwise provided in this act, all remittances of taxes imposed hereunder shall be made to the commission; but backdrafts, personal checks, cashier's checks, or money orders shall be made payable to the State of New Hampshire, and all remittances shall be turned over to the state treasurer by said commission. No remittance other than cash shall be considered payment unless and until the same has been collected by the state. The acceptance by the commission and the state treasurer of any remittance shall be deemed to be a receipt on account and shall not be deemed as an admission that the remittance is in full for all taxes due.

Further amend said bill by renumbering sections 22 to 37 to read sections 23 to 38.

Amend section 22 of said act as renumbered by striking out all of said section after the word "appropriated" in the second line thereof, so that said section as amended shall read as follows: 23. *Administrative Expense.* The expense of administration of this act shall be paid out of any money in the state treasury not otherwise appropriated.

Amend section 30 of such bill as renumbered by striking out the whole of said section and inserting in place thereof the following: 31. *Dissolution of Corporations Prohibited Until Tax is Paid.* Hereafter no corporation organized under any law of the state shall be dissolved by the action of the stockholders or by the decree of any court until all taxes and interest imposed upon said corporation in accordance with the provisions of this act have been fully paid. No decree of dissolution shall be signed by any court without a certificate of the commission evidencing the payment by the corporation to be dissolved of all taxes and the interest imposed in accordance with the provisions of this act.

Amend section 33 of said bill as renumbered by adding at the end thereof the following, or any claim which is given priority by other statutes; so that said section as amended shall read: 34. *Priority of Tax.* Whenever any person liable for any tax levied hereunder is insolvent, whenever any such person makes a voluntary assignment of his assets, whenever the estate of a deceased person liable in the hands of the executors, administrators or heirs is insufficient to pay all the debts due from the deceased, or whenever estate and effects of an absconding, concealed or absent person liable are levied upon by process of law, the tax, together with interest attaching thereto, shall be first settled; provided, however, that this section shall not be construed to give the state a preference over any recorded lien which attached prior to the date when the tax became due or any claim which is given priority by other statutes.

Amend section 35 of this bill as renumbered by striking out the whole of said section and inserting in place thereof the following: 36. *Other Penalties.* Any violation of any provision of this act for which a penalty is not prescribed above shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment of not less than thirty days, or by both such fine and imprisonment.

The undersigned, a minority of the Committee on Ways and Means, to whom was referred House Bill No. 189, An act for the taxation of property passing by sale at retail, and be-

ing unable to agree with the majority, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

GEORGE H. EDSON,

DANIEL J. HEALY,

*A Minority of the Committee.*

The reports were accepted.

Mr. Edson of Lebanon moved that the report of the minority, inexpedient to legislate, be substituted for the report of majority, ought to pass with amendments.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Edson of Lebanon, Martel of Manchester, Healy of Ward 6, Manchester, Angus of Claremont, Baron of Claremont, Sullivan of Ward 6, Manchester, Lea of Pembroke, Hutchins of Claremont, Kennedy of Manchester, Betley of Manchester, Geisel of Manchester, Pickett of Keene, Velishka of Nashua, Oakes of Landaff and Barry of Wilton, and Mrs. Brungot of Berlin and Mrs. Dondero of Portsmouth, spoke in favor of the motion to substitute.

Messrs. Dwinell of Lebanon, Malley of Somersworth, Johnson of Northwood, Jones of Rochester, Turner of Keene, Sanborn of Wakefield, Henderson of Durham and Scammon of Stratham, and Mrs. Richards of Exeter, and Miss Loizeaux of Plymouth, spoke against the motion.

Mr. Laraba of Portsmouth moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute.

Mr. Willey of Campton demanded the Yeas and Nays, and the roll was called with the following result:

### Yeas, 208

GRAFTON COUNTY: Wadhams, Brown of Ashland, Sommers, Oakes, Jones of Lebanon, Edson, Madden, Dusik, Anderson.

COOS COUNTY: Dussault, Hinchey, Mason, Moffett, Desilets, Henderson, Lazure, Bartlett, Brungot, Christiansen,



Bouchard, Fontaine, Gagnon of Berlin, Roy of Berlin, Gould, Fraser, Baxter, Ellingwood, Potter, Phelhan.

ROCKINGHAM COUNTY: Heon, Hepworth, Fecteau, Eldredge, Sanborn of Fremont, Root LaBranche, of Newmarket, Sewall, Alessi, Dondero, Payette, Durell, Hobbs, Leary, Ingraham of Portsmouth, Bluitte, True, Durkee.

STRAFFORD COUNTY: Stackpole, Gouin, Grimes, Marcotte, Felker, Crandall, Dodge, Stocklan, Parker, Webster, Horne, Rolfe, Dustin, St. Pierre, Lacasse, Green of Rollinsford, Lagueux, Letourneau, Coffin, Cater of Somersworth.

BELKNAP COUNTY: Perkins, McAllister, Normandin, Simoneau, Tilton of Laconia, Shannon, Thompson of Laconia, Ewing, Smith of New Hampton, Bruno.

CARROLL COUNTY: Downs, Banfield, Hodgdon.

MERRIMACK COUNTY: Couture, Phelps, Nicoll, Moore, Coakley, Ferrin, Flynn, Colbath, Kennedy of Concord, Suosso, Corbett, Saltmarsh, Bunten, Chase, Burke, LaBranche of Franklin, Lorden, Dudevoir, Mullaie, Carr, Lea, Holmes of Salisbury.

HILLSBOROUGH COUNTY: French, Farwell, Ellsworth, Hambleton, Reid of Litchfield, Kennedy of Manchester, Danforth, Geisel, Sawyer of Manchester, Connor of Manchester, Dwyer, Martel, Sweeney, Fitzgerald, Kean, Betley, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of Manchester, Casey, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Zyla, Downey, Heroux, Leclerc, O'Connor, Sullivan of Manchester, Ward 7, Delisle, Kane, Roy of Manchester, Simard, Cary, Gagnon of Manchester, Auger, Getz, McPhail, Roche, Roukey, April, La-Flamme of Manchester, Lareau, Vaillancourt, Daniel of Manchester, Gauthier, Thibodeau of Manchester, Cannon, Donnelly, Wedick, Wadleigh, Ramsdell, Boire, Landry, Belcourt, Goulet, Brosnahan, Chasse, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Janelle, Velishka, Girouard, Barry.

CHESHIRE COUNTY: Ring, Walker of Hinsdale, Aldrich, Willard, Amadon, Erwin, Pickett, Zimmerman, Hall, Forbes, Lang, Killeen, Rhodes, Thompson of Winchester.

SULLIVAN COUNTY: Perkins, Angus, Converse of Claremont, Bissonnett, Hutchins, Baron, Stetson, Riley, Walker of Grantham, Holmes of Langdon, Wirkkala, Cummings of Newport, Downing, Farmer, Rowell, Gardner of Springfield, Callum, Williams of Washington.

### Nays, 147

GRAFTON COUNTY: Chamberlin of Bath, Whittier, Wheeler, Willey, Dunbar, Grass, Williams of Grafton, Atkins, Fuller, Holden, Chamberlin of Haverhill, Clough, Perry of Haverhill, Adams of Lebanon, Ashley, Cole, Dwinell, Collins, Hamilton, Kelley of Littleton, Orr, Pushee, Bell, Loizeaux, Barney, Sawyer of Woodstock.

COOS COUNTY: Falkenham, Hamlin of Dummer, Malloy, Kimball, Evans of Lancaster, Moses, Johnson of Milan, Converse of Pittsburg, Baker, Hinman, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Persson, Hazelton, Fitch, Corson, Elwell, Rathbone, Richards, Weeks of Greenland, Merrill, Underwood, Parmenter, Carter of North Hampton, Johnson of Northwood, Colcord, Foote, Yeaton, Laraba, Haigh, Peever, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Smalley, Henderson of Durham, Wormhood, Jones of Rochester, Studley, Fernald, Leach, Malley, Brown of Strafford.

BELKNAP COUNTY: Dearborn, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Keller, Brown of Laconia, Ransom, Smith of Meredith, Atwood.

CARROLL COUNTY: Washburn, Hill, Thompson of Effingham, MacGown, Wild, Wiggin, Knox, Remick, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Rancour, Besse, Hurd, Tilton of Concord, Greene of Concord, Roby, Blodgett, Nawn, Sargent, Towle, Connor of Henniker, Kenney, Spiller, Ferguson, Stapleton, Yerxa, Savory, Stebbins.

HILLSBOROUGH COUNTY: Tracy, Wilson, Black, Jones of Francestown, Tirrell, Adams of Greenfield, Doonan, English, Boynton, Crosby, Goodwin of Hollis, Goodwin of Hudson,

Spaulding of Hudson, Daniels of Manchester, Peaslee of Merrimack, Fletcher, Atherton, Cooper, Shedd, Thompson of New Ipswich, Bigelow, Myhaver, Osborne.

CHESHIRE COUNTY: Dort, Thomas, Miller, Spofford, Perry of Jaffrey, Landers, Darling, Turner, Tolman, Andrews, Sherwin, Blake, Billings, Ingham of Winchester.

SULLIVAN COUNTY: Nelson.

### Pairs

Mr. Cummings of Peterborough voting no paired with Mr. Falconer of Milford voting yes.

Mr. Reed of Goffstown voting no paired with Mr. Simms of Claremont voting yes.

Mr. Gardner of Littleton voting no paired with Mrs. Lucy of Conway voting yes.

Mr. Obert of Center Harbor voting no paired with Mr. Marden of Chichester voting yes.

Mr. Currier of Colebrook voting no paired with Mr. Zopf of Claremont voting yes.

Mr. Nash of Concord voting no paired with Mr. Smith of Keene voting yes.

Mr. Clark of Derry voting no paired with Mr. Flanagan of Dover voting yes.

And the motion to substitute the report of the minority, inexpedient to legislate, for the report of the majority, ought to pass with amendments, prevailed.

The question being on the resolution of the minority of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Reconsideration

Mr. Pickett of Keene moved that the House reconsider the vote whereby it adopted the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Zimmerman of Keene, for the Special Committee consisting of the Keene Delegation, to whom was referred House Bill No. 70, An act to revise the charter of the city of

Keene, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

The question being, Shall the bill pass?

Mr. Erwin of Keene demanded the yeas and nays but subsequently withdrew his demand.

The bill was ordered to a third reading.

On motion of Mr. Wadleigh of Milford the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third reading, by title, of bills, made in order at the present time.

### Third Readings

House Bill No. 70, An act to revise the charter of the city of Keene.

House Bill No. 525, An act to legalize proceedings of certain towns, school districts and county delegations, and to authorize other municipal action.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 122, An act relating to unemployment compensation benefits for National Guard Personnel.

Senate Bill No. 137, An act relative to rights of village districts to collect garbage.

Severally read a third time and passed and sent to the Secretary of State to be engrossed.

On motion of Mr. Erwin of Keene at 2:40 o'clock the House adjourned.

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THURSDAY, JUNE 16, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O Lord, Who hast said: "I am come that ye might have life, and have it more abundantly," give to us the fulness of opportunity to live. We not only ask Thee for wisdom and

patience and courage and resolution to face these opportunities of life, but would ask Thee to help us understand that the fulness of life is attained by giving out life. Help us, our Lord, to realize that our strength lies in the practice of the good Thou hast given us; through the same Jesus Christ our Lord. Amen.

Mr. Dwinell of Lebanon in Chair.

### Leaves of Absence

Messrs. Fitch of Deerfield, Rowell of Newport, Sawyer of Concord and Edson of Lebanon, were granted leave of absence for the day on account of important business.

### Committee Reports

Mr. Oakes of Landaff, for the Committee on Appropriations, to whom was referred House Bill No. 308, An act relating to diseases of domestic animals, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Grass of Franconia, for the Committee on Education, to whom was referred House Bill No. 518, An act relative to location and construction of school buildings, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Hinman of Stratford, for the Committee on Judiciary, to whom was referred Senate Bill No. 117, An act relating to notice by administrators to parties in pending actions, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee was adopted.

Mrs. Cooper of Nashua, for the Committee on Judiciary, to whom was referred House Bill No. 412, (in new draft), An act relative to the state board of fire control, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the title and inserting in place thereof the following:

*Whereas*, Improper electric wiring constitutes a hazard to life and property of the general public;

*Whereas*, There is no regulation of control to cope with the practice of improper electric wiring; and

*Whereas*, Such regulations appear to be needed and to give all persons opportunity to discuss such regulations so as to work no undue hardship on industry or labor, therefore

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1. *Committee Authorized.* There shall be a committee established which shall consist of the state board of fire control.

2. *Duties.* The duties of the committee shall be to make a study of the feasibility of establishing a uniform code for the regulation of electricians and the trade of electrical wiring and related trades.

3. *Report.* The committee shall make report of their findings, together with recommendations, to the 1951 Session of the General Court.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Turner of Keene, for the Committee on Judiciary, to whom was referred Senate Bill No. 131, An act relative to partition proceedings, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Suosso of Concord, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 133, An act providing for mutual aid service in connection with fires, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Horne of Milton, for the Committee on Public Works, to whom was referred Senate Bill No. 100, An act in relation to municipal utilities, reported the same with the following

amendment, and the recommendation that the bill as amended ought to pass.

Strike out all after the enacting clause and insert the following:

1. *Public Service Commission.* Before any town, village district or precinct shall vote to appropriate money or issue bonds or notes for the acquisition of any existing public utility, or for the construction of a public utility, or for the reconstruction or enlarging of a municipally owned utility, the selectmen of the town or the commissioners of the village district or the commissioners of any precinct may submit, and upon written application of fifty or more qualified voters or one fourth of the qualified voters of said town, district or precinct, shall, submit to the public service commission the general details of the plan and the amount proposed to be expended together with engineering plans and specifications.

2. *Hearing.* Said commission shall after notice hold a public hearing at which time it shall receive evidence from any interested parties, and shall on its own motion investigate the public need for such acquisition, construction, reconstruction or enlarging and the feasibility of said proposed plan.

3. *Findings.* Said commission shall within thirty days after said hearing issue a report which shall contain its findings on said plan as proposed, with the reasons therefor, and shall cause it to be published in a newspaper of general circulation in said town, and shall also submit a copy of said report to the selectmen or precinct commissioners of said town, village district or precinct. Before any vote is taken by said town, village district or precinct to appropriate money or issue bonds or notes for any of the purposes above mentioned said findings of the public service commission shall be read to the meeting by the moderator or the chairman.

4. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill, with the amendment pending, was laid upon the table to be printed.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 107, An act relative to fire emergencies of military origin.

Senate Bill No. 112, An act relating to damages under the death statute.

Senate Bill No. 120, An act relating to reports by registers of deeds.

Senate Bill No. 124, An act relative to lease receipts on land taken for flood control.

House Bill No. 300, An act relating to obscene literature, pictures and articles.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 519, An act increasing fees paid to the secretary of state for corporation and partnership registrations, licenses, engrossing private acts, election recounts and miscellaneous documents, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 20 of said bill by striking out the first three lines and inserting in place thereof the following:

20. *Liens on Logs.* Amend paragraph (c) of section 14-a of chapter 264 of the Revised Laws as inserted by chapter 184 of the Laws of 1949 by striking out the word "five" and inserting in

On motion of Mr. Peever of Salem the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference on House Bill No. 360, An act relating to certain tax exemption



of citizens who fought with allies of the United States, and the President has appointed as members of such a committee on the part of the Senate, Senators Daniell and Caron.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 112, An act relating to damages under the death statute.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills and joint resolution:

Senate Bill No. 120, An act relating to reports by registers of deeds.

Senate Bill No. 124, An act relative to lease receipts on land taken for flood control.

Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives.

House Bill No. 130, An act relating to taking hares and rabbits.

House Bill No. 335, An act relative to taking wild deer, and other game animals.

House Bill No. 515, An act providing for a deputy registrar for the city of Manchester.

House Bill No. 521, An act relative to payment of certain monies received from the treasurer of the United States.

The message further announced that the Senate had voted to non-concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 424, An act relative to registration of boats and outboard motors.

The message further announced that the Senate concurred with the House of Representatives in the passage of the

following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 182, An act relative to division of the state for taking wild deer.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Wild Deer.* Amend section 3 of chapter 242 of the Revised Laws as amended by chapter 191 of the Laws of 1943 and chapter 168 of the Laws of 1945 by striking out said section and inserting in place thereof the following: 3. *Taking; Time.* Wild deer, outside game preserves, may be hunted and taken from one-half hour before sunrise to one-half hour after sunset in that part of the state which lies north of the following described line during the month of November; and in that part of the state lying south of the following described line during the month of December, provided that no deer shall be hunted or taken at any time on any island or in any waters or lakes and ponds. The line for the division of the state for the purpose of taking wild deer is described as follows: Beginning at the boundary line with the state of Vermont in the town of Orford on route 25A, thence on said route to Orfordville, thence to Wentworth on route 25, thence on said route 25 to Rumney Depot, thence from Rumney Depot to Rumney Village, thence following by Lake Stinson to West Campton, thence from West Campton to Campton Station, thence from Campton Station to Campton Lower Village, thence from Campton Lower Village to Campton Upper Village, thence from Campton Upper Village following the Waterville Valley road up Mad River to the junction on the Sandwich Notch road, thence following the Sandwich Notch road to the town line between Sandwich and Thornton, thence following said town line northerly to the Waterville town line, thence along the boundary line between Waterville and Sandwich to the easterly bound of the town of Sandwich, thence southerly by the Sandwich town line to route 113-A, thence easterly and southerly by said route 113-A to route 113, thence by route 113 to route 16 in the town of Tamworth, thence northerly and easterly on route 16 to the junction with route 113 in the town of Madison, thence on said route 113 to the state of Maine boundary.

Further amend said bill by inserting after section 1 the following new section:

2. *Special Closed Season.* Amend chapter 242 of the Revised Laws by inserting after section 3 the following new section: 3-a. *Powers of the Director.* After December 15th in any year the director, with the approval of the commission, may close the open season for taking deer in any area or section if in his opinion such action is necessary to preserve an adequate brood stock of deer.

Further amend said bill by renumbering section 2 to read section 3.

On motion of Mr. Fernald of Rochester the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 479, An act relative to protection against Bang's disease.

1. *Relating to Adult Vaccination.* Amend section 46b of the Revised Laws as inserted by chapter 201 of the Laws of 1947, by striking out said section, and inserting in place thereof the following: 46b. *Alternate Plan.* The Commissioner of Agriculture may grant permission to adult vaccinate a seriously infected or troublesome herd under this Alternate Plan. If an owner is refused permission to adult vaccinate his herd he may appeal to a county approval board. Request to adult vaccinate shall be made in writing to the Commissioner of Agriculture. The county approval board shall consist of three members in each county, two to be appointed by the Commissioner of Agriculture and these two to appoint a third member; all to serve without pay or expenses and until such a time as their successor or successors shall be appointed. Whenever a person shall receive permission to adult vaccinate under this section it shall be granted under rules and regulations approved by the Federal Bureau of Animal Industry and by the State Department of Agriculture. All calves raised in such herds shall be vaccinated according to such rules and regulations as are specified for calfhood vaccination. All bovine animals in the herd must be tested for brucellosis and reactors tagged, branded, appraised and slaughtered as provided for

under chapter 229 Revised Laws before any animals will be vaccinated. All passed animals must be permanently identified by ear tag number and tattoo mark. No animal can be sold out of an adult vaccinated herd for any purpose except by written permission from the New Hampshire Department of Agriculture, Division of Animal Industry. No indemnity will be paid on any animal vaccinated at an age older than eight months. Any owner maintaining a herd under the terms of this act agrees to forfeit any and all indemnity on animals condemned and slaughtered after adult vaccination has once been started in a herd, and until such a time as the herd passes at least one clean test for brucellosis and adult vaccination has been discontinued. An owner of an adult vaccinated herd shall discontinue all vaccination with strain 19 in his adult animals on or before three years from the date of the receipt of application for adult vaccination by the Commissioner, but said herdowner may reapply for adult vaccination under this plan at any time thereafter. The Commissioner of Agriculture shall have the right to order the discontinuance of adult vaccination in any herd, when in his opinion it is evident that said adult vaccinated animals become a menace to other healthy herds. Such herds shall be under strict quarantine at all times and shall be subject to test at such times as the commissioner may direct. Upon passage of this act herds now operating under 46b, chapter 201 of the Laws of 1947 may continue under the conditions they originally accepted, but no new herds shall be allowed to start on that plan.

2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Mr. Elwell of Exeter the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate has passed bills with the following titles, in the passage of which it asked the concurrence of the House of Representatives:

Senate Bill No. 125, An act relating to fire resistant hallways and stairways.

Senate Bill No. 127, An act relative to the powers of the director of fish and game.

### Senate Bills Read and Referred

Senate Bill No. 125, An act relating to fire resistant hallways and stairways.

Read a first and second time, and referred to the Committee on Judiciary.

Senate Bill No. 127, An act relative to the powers of the director of fish and game.

Read a first and second time and referred to the Committee on Fisheries and Game.

### Committee of Conference Report

The Committee of Conference, to whom was referred Senate Bill No. 121, An act relating to Assistant Pharmacists, having considered the same recommended that the Senate recede from its position of non-concurrence in the adoption of the amendment, as proposed by the House of Representatives, and concur with the House of Representatives in the adoption of that amendment, and further recommended that the House of Representatives and Senate adopt the following amendment:

Amend the bill by adding a new section 3a: Amend Section 33 of Chapter 256 of the Revised Laws by striking out the words "may prescribe educational requirements or standards for the admission of candidates for registration, and it," so that said section as amended shall read as follows:

33. *Regulations.* The board of pharmacy shall make rules and regulations which are to govern it and all employees in the enforcement of this chapter. It shall prescribe and publish all application forms and blanks required under this chapter.

NORMAN A. McMEEKIN,  
SARA E. OTIS,

*Conferees on Part of the Senate.*

HARLAN F. BESSE,  
NORMAN M. STUDLEY,  
LEONARD B. PEEVER,

*Conferres on Part of the House.*

On a *viva voce* vote the report was adopted.

Mr. Ecker of Manchester offered the following resolution :

*Whereas*, George R. "Shorty" Lea, the Honorable Representative from Pembroke, entertained the Legislators, Attaches and Friends at his now famous Biennial Lawn Party at his home last evening, Wednesday, June 15, and

*Whereas*, Shorty and Mrs. Lea dispensed their usual hospitality, with refreshments both liquid and solid, in great abundance, with great geniality and generosity, accompanied by the sweet strains from a giant jukebox to which the guests danced and sang and put on impromptu acts of high class vaudeville, led by the inimitable Shorty, therefore, be it

*Resolved*, That we most heartily extend our thanks in greatest measure to Mr. and Mrs. Lea for their continued hospitality and generosity, and be it further

*Resolved*, That the Clerk of the House transmit to Shorty a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Upton of Concord the rules were suspended to allow business in order in the afternoon to be in order at the present time, and that the reading of bills be by their title only, and that when the House adjourns today it adjourn to meet Tuesday morning at 11:00 o'clock.

### Third Readings

House Bill No. 308, An act relating to diseases of domestic animals.

House Bill No. 412, (in new draft) An act relative to the state board of fire control.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 131, An act relative to partition proceedings.

Senate Bill No. 133, An act providing for mutual aid service in connection with fires.

Severally read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Upton of Concord at 11:40 o'clock the House adjourned.

TUESDAY, JUNE 21, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, hope of the ends of the earth, the source of all strength, the font of all good, at the beginning of this day we bring to Thee our purposes and our aspirations for the touch of Thy refining grace. Take from our hearts and minds all selfish motives, and so endue us with such a competency of Thy wisdom, and understanding of the right, that Thy will may be accomplished through us. Grant that Thy Spirit of wisdom may save us from all false decisions, and that in Thy light we may see light, and in Thy straight path may not stumble; through Jesus Christ our Lord. Amen.

### **Leaves of Absence**

Messrs. Fitch of Deerfield and Martel of Manchester were granted leave of absence for the day on account of important business.

Mr. Willey of Campton was granted leave of absence for the day on account of attending court.

Mr. Baker of Stewartstown was granted leave of absence for the week on account of illness.

Mr. Cummings of Peterborough was granted leave of absence for the week on account of important business.

### **Qualified**

The following named Representative, having qualified before His Excellency, appeared and took his seat as a member of the House, William E. Green of Orford.

### **Appointed to Committee**

William E. Green of Orford was appointed a member of the Committee on Municipal and County Government, replacing Maurice A. Roberts of Orford, deceased.

### **Committee Reports**

Mr. Sawyer of Woodstock, for the Committee on Appropriations, to whom was referred House Bill No. 175, An act relating to the distribution, sale, or transportation of insecti-

cides, fungicides, rodenticides, and other economic poisons, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 5 of the bill by striking out the words "such fee be deposited to the credit of a special fund to be used only for carrying out the provisions hereof" so that said section as amended shall read as follows: 5. *Fees.* The registrant shall pay an annual fee of ten dollars for each economic poison registered. Provided, however, that any registrant may register annually any number of brands after the payment of annual fees aggregating one hundred dollars.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Ferguson of Pittsfield, for the Committee on Ways and Means, to whom was referred House Bill No. 527, An act to establish a new apportionment for the assessment of public taxes, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### **Taken from the Table**

Mr. Horne of Milton, for the Committee on Public Works, to whom was referred Senate Bill No. 100, An act in relation to municipal utilities, reported the same with the amendment as printed in the Journal of June 16, on pages 5 and 6, with the recommendation that the bill as amended ought to pass.

The report was accepted.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

### **Committee of Conference Report**

The Committee of Conference, to whom was referred House Bill No. 360, An act relating to certain tax exemptions of citizens who fought with allies of the United States, having considered the same, recommend that the House of Representatives recede from its position in concurring in the adoption of the amendment sent down from the Senate, and that the Senate recede from its position in adopting the amendment. And they further recommend that the House and Senate adopt the following amendment:



1. *Poll Taxes.* Amend section 1 of chapter 73 of the Revised Laws as inserted by chapter 240 of the Laws of 1947, by striking out all of said section and inserting in place thereof the following:

1. *Person Liable.* A poll tax of two dollars shall be assessed on every inhabitant of the state from twenty-one to seventy years of age whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any veteran who served in the armed forces of the United States in any wars in which it has been engaged, the widow of any citizen who served in the armed forces of any country allied with the United States in any of the wars as defined by chapter 167 of the Laws of 1949, and section 29-C, chapter 73 of the Revised Laws as inserted by chapter 240 of the Laws of 1947, and others exempt by special provisions of law.

JEROLD M. ASHLEY,  
ARTHUR C. STEBBINS,  
EDWARD C. BLACK,

*Conferees on Part of the House.*

EUGENE DANIELL,  
MARYE WALSH CARON,

*Conferees on Part of the Senate.*

On a *viva voce* vote the report was adopted.

On motion of Mr. Laraba of Portsmouth the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Alessi of Portsmouth, for the Special Committee, consisting of the Delegation from the city of Portsmouth, to whom was referred House Bill No. 435, An act relating to the charter of the city of Portsmouth, reported the same with the recommendation that the bill, in new draft, ought to pass.

The report was accepted, the bill, in its new draft, read a first and second time, and laid upon the table to be printed.

### Resolution

Mr. Laraba of Portsmouth offered the following resolution:

*Whereas*, the Honorable Senate on June 15 last refused to concur in the adoption of the amendment to Senate Joint Resolution No. 7, Joint resolution providing for a committee

to study hospital care and rates, offered by the Joint Committee on Engrossed Bills,

*Resolved*, That the rules of the House be suspended to permit reconsideration by the House of its concurrence in said amendment on June 9, and that said vote of concurrence be rescinded.

The question being on the resolution.

(Discussion ensued)

Mr. Laraba of Portsmouth spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled joint resolution and bills:

Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates.

Senate Bill No. 122, An act relating to unemployment compensation benefits for national guard personnel.

Senate Bill No. 137, An act relative to rights of village districts to collect garbage.

House Bill No. 130, An act relating to taking hares and rabbits.

House Bill No. 515, An act providing for a deputy registrar for the city of Manchester.

House Bill No. 521, An act relative to payment of certain monies received from the treasurer of the United States.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 135, An act relative to the incorporation of Granite Lodge No. 1056, Loyal Order of Moose of Berlin, New Hampshire, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the first line and inserting in place thereof the following:

1. *Change of Name.* Amend section 1 of chapter 290 of the Laws of 1915 being the charter of Granite

Amend section 2 of said bill by striking out the first line and inserting in place thereof the following:

2. *Property Holding.* Amend section 3 of said chapter 290 by striking out the

Amend section 3 of said bill by striking out the first line and inserting in place thereof the following:

3. *First Meeting.* Amend section 4 of said chapter 290 by striking out the

On motion of Mr. Johnson of Northwood the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to reconsider its vote whereby it adopted the report of inexpedient to legislate on House Bill No. 424, An act relative to registration of boats and out-board motors.

The message further announced that the Senate had voted to recall from the Governor for further consideration House Bill No. 283, An act relating to licenses for hotels.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 283, An act relating to licenses for hotels.

Amend section 3 of the bill by striking out the same and substituting in place thereof the following:

SECTION 3. *Takes Effect.* This act shall take effect June 1, 1950.

On motion of Mr. Killeen of Walpole the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

On motion of Mr. Wadleigh of Milford the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third reading, by title, of bills, made in order at the present time.

### Third Readings

House Bill No. 175, An act relating to the distribution, sale, or transportation of insecticides, fungicides, rodenticides, and other economic poisons.

House Bill No. 527, An act to establish a new apportionment for the assessment of public taxes.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 100, An act in relation to municipal utilities.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

On motion of Mr. Green of Orford at 11:40 o'clock the House adjourned.

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WEDNESDAY, JUNE 22, 1949

The House met according to adjournment.

Prayer was offered by Rev. William W. Switzer, Pastor Windham Presbyterian Church.

Almighty God, Father of our Lord Jesus Christ, Thou who dost confront us in every decision, holding us responsible for the use of our power; we thank Thee this morning for our life which Thou hast preserved through this past night, guiding us with Thy protection from our place of sleep to this historic place of duty.

As we labor at the legislation and administration in behalf of the people of New Hampshire, may we be wise and

faithful in protecting the rights and concerns of the humble and weak; may we be courageous and strong in securing the responsibilities of the high and mighty.

Forgive us, our state, and each citizen of our common social sin, our contempt for the small things, our worship of the big things, our complacency and our pride; forgive us for all wrong things done to the people of our state, and all right things that we have left undone.

We pray Thee that this morning, and forever, peace and happiness, truth and justice, virtue and piety, may be in every decision of this Government, that the kingdoms of this world may become subject to, and serve in the eternal Kingdom of our Lord and Savior Jesus Christ. Amen.

### Leaves of Absence

Messrs. Osborn of Weare and Kenney of Loudon, were granted leaves of absence for the day on account of important business.

Mr. Nash of Concord was granted leave of absence for the day on account of attending a funeral.

Mr. Nolan of Manchester was granted leave of absence for the week on account of illness in the family.

Mr. Corbett of Concord was granted leave of absence for the week on account of illness.

### Committee Reports

Mr. Henderson of Durham, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 28, Joint resolution relative to funds for development of aeronautical facilities, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Atherton of Nashua moved that the bill be recommitted to the Committee on Appropriations.

The question being on the motion to recommit.

(Discussion ensued)

Mr. Atherton of Nashua spoke in favor of the motion.

On a *viva voce* vote the motion prevailed, and the bill was recommitted to the Committee on Appropriations.

Mr. Fuller of Hanover, for the Committee on Education, to whom was referred House Bill No. 486, An act relating to co-operative school districts, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Rathbone of Exeter, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 75, An act providing for a people's counsel connected with the public service commission, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Pickett of Keene moved that the bill be recommitted to the Committee on Executive Departments and Administration.

The question being on the motion to recommit.

Messrs. Pickett of Keene and Johnson of Northwood spoke in favor of the motion.

On a *viva voce* vote the Chair was in doubt.

Mr. Pickett of Keene asked for a division.

A division being had, 172 members having voted in the affirmative, and 117 members having voted in the negative, the motion to recommit prevailed.

The bill was recommitted to the Committee on Executive Departments and Administration.

Mr. Moffett of Berlin, for the Committee on Executive Department and Administration, to whom was referred Senate Bill No. 88, An act relating to the covering of wells, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1. *Amendment.* Amend chapter 165 of the Revised Laws by adding after section 25 the following new subdivision:

### Wells

26. *Definition.* The term "well" as used in this subdivision shall mean any artificially made hole in the surface of the earth (a) which is more than four feet deep and (b) which is more than eight inches in diameter and less than sixteen square feet in area at the top and (c) the sides of which are steeper than a sixty degree slope.

27. *Fencing or Covering.* No person who owns or occupies land shall knowingly allow any well which is within five hundred feet of a dwelling or within two hundred feet of any highway to remain open on such land, unless there is around such a well a substantial fence or protection at least three feet high so constructed that no children can crawl through or under it. Any such well shall be deemed to be open unless it is protected by a covering strong enough to hold one thousand pounds and secured so that it cannot be easily removed by children.

28. *Nuisance.* Any open well which is not fenced or protected as provided in section 27 is hereby declared a nuisance and the same may be ordered abated by any court of competent jurisdiction on complaint of any prosecuting officer.

29. *Penalty.* Whoever violates any provision of this subdivision shall be fined not more than five hundred dollars.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

Mr. Spaulding of Hudson, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 106, An act establishing the date of Fast Day, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Dwinell of Lebanon, for the Committee on Labor, to whom was referred House Bill No. 472, An act relative to unemployment compensation, eligibility conditions to members of the general court, reported the same with the following resolution,

*Resolved,* That it is inexpedient to legislate.

The undersigned, a minority of the Committee on Labor, to whom was referred House Bill No. 472, An act relative to unemployment compensation, eligibility conditions for members of the general court, and being unable to agree with the majority, reported the same with the recommendation that the bill ought to pass.

GEORGE W. ANGUS,  
WILLIAM GOUIN,  
MICHAEL T. SULLIVAN,  
*A Minority of the Committee.*

The report was accepted.

Mr. Waterhouse of Windham moved that the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Waterhouse of Windham, Goodwin of Hudson, and Perkins of Alton, spoke in favor of the motion.

Messrs. Danforth of Manchester, Gouin of Dover, Gauthier, Sullivan of Ward 7, Kazakis and Gagnon of Manchester, spoke against the motion.

Mr. Johnson of Northwood moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote : the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Gouin of Dover asked for a division.

A division being had, 204 members having voted in the affirmative, and 98 members having voted in the negative, the motion to postpone prevailed.

Mr. Gagnon of Manchester demanded the yeas and nays, but subsequently withdrew his demand.

Mrs. Dondero of Portsmouth, for the Special Committee consisting of the delegation from the county of Rockingham, to whom was referred House Bill No. 80, An act relating to the Rockingham county superior court, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee, inexpedient to legislate.



Mr. Scammon of Stratham demanded the yeas and nays, but subsequently withdrew his demand.

On a *viva voce* vote the resolution of the committee, inexpedient to legislate, was adopted.

Mr. Dwinell, for the Committee on Ways and Means, to whom was referred House Bill No. 186, An act providing for an income tax, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An act to provide for a tax on incomes and persons.

Amend section 1 of said bill by striking out clauses (c), (d) and (e) in the sixth paragraph of said section and inserting in the eighth paragraph of said section after the word "trust" at the end of said paragraph, in line 31, the following: but shall not include banks, trust companies, railroads, express companies, telephone companies, telegraph companies, sleeping car companies, parlor car companies, dining car companies, insurance companies, surety companies, guaranty companies and trusts created and managed for exclusively charitable uses.

Amend section 2 of said bill by striking out all of said section and inserting in place thereof the following: 2. *Income Tax Imposed.* (a) A tax is hereby imposed at the rate of one and one-half per cent upon every individual resident of this state, to be levied, collected and paid annually to the state treasurer, with respect to the taxpayer's net income, after exemption and deductions hereafter allowed.

(b) A like tax is hereby imposed upon every individual non-resident of this state with respect to his net income, after exemptions and deductions hereafter allowed, derived from all property owned in this state and from every business, trade, profession, or occupation carried on in this state.

(c) A like tax is hereby imposed upon every fiduciary, computed on the basis provided under the Internal Revenue Code of the United States at the time of the passage hereof, with respect to his income as thus computed, after exemptions and deductions hereafter allowed.

(d) A like tax is hereby imposed upon every other

person resident or doing business in this state with respect to the net income of such person, after exemptions and deductions hereafter allowed, but subject to such allocations as are hereafter provided as to income derived outside of this state. In the case of fiduciaries, partnerships and unincorporated businesses, the commission shall make regulations for the avoidance of double taxation, whether by providing that the tax on them shall be laid only upon the net income not distributed to the beneficiaries, partners or others interested, or by some other effectual provision.

(e) Every taxpayer shall be entitled to deduct from his net income, before the tax is computed, the income from dividends and interest as defined in Chapter 78 of the Revised Laws, and this act shall not be construed as repealing any of the provisions of said Chapter 78.

Further amend said bill by striking out section 3 thereof and inserting in place thereof the following: 3. *Exemptions.* Exemptions shall be allowed the tax payer as provided under Section 25 (b) of the Internal Revenue Code of the United States in effect at the time of the passage of this act.

Amend section 5 of said bill by striking out all of said section and inserting in place thereof the following: 5. *Credits for Foreign Taxes.* Each taxpayer shall be credited against his tax under this act for the following deductions:

(a) In the case of an individual resident of this state, the income tax paid by him to a foreign state or country, or political subdivision of either, on income derived from such foreign source and taxed under this act, but the amount of such credit shall in no case exceed the tax imposed by this act on income derived from such foreign source.

(b) In the case of an individual non-resident of this state, the income tax paid by him to a foreign state or country, or political subdivision of either, on income taxed under this act, but the amount of such credit shall in no case exceed the tax imposed on such income under this act.

(c) In the case of a fiduciary, the income tax paid by him to a foreign state or country, or political subdivision of either, on income taxed under this act, but the amount of

credit shall in no case exceed the tax imposed on such income by this act.

(d) In the case of any other person resident or doing business in this state, the income tax paid to a foreign state or country, or political subdivision of either, on income derived from such foreign source and taxed under this act, but the amount of such credit shall in no case exceed the tax imposed by this act on income derived from such foreign source.

But no credit provided in this section with respect to income taxes paid to another American state, district or territory, or political subdivision of either, shall be allowed unless by law such state, district or territory either (1) provides a substantially equivalent credit with respect to income taxes paid to this state, or (2) exempts or excludes from taxation the income of persons resident or doing business in this state.

Further amend said bill by inserting after paragraph 5 the following new section: 5 A. *Tax on Persons Imposed.* A tax is hereby imposed at the rate of five dollars per person on all resident persons, both natural and artificial, as defined in this act, who are required to file returns under section 7. Said tax shall be due and payable upon the filing of said return. In the case of a husband and wife filing a joint return, only one tax shall be assessed, unless each spouse has a gross income in excess of six hundred dollars in which case two taxes shall be assessed. The full amount of this tax shall be payable with the first returns filed under this act, notwithstanding the provision of section 28.

Further amend said bill by striking out section 1 and inserting in place thereof the following: 7. *Returns.* Every person having a gross income of six hundred dollars (twelve hundred dollars of combined income in the case of a man and wife living together or the head of a family) or more for the taxable year ending during the last previous calendar year, shall, on or before the fifteenth day of the fourth month following the expiration of the taxable year, make a return to the commission under such regulations and in such form and manner as the commission may prescribe. A husband and wife may make a joint return for any taxable year in which such a return is filed under the laws of the United States, but not otherwise. If the taxpayer is unable to make his own return,

it may be made by his duly authorized agent or by the guardian or other person charged with the care of his property. Fiduciaries shall make the returns when the gross income of any individual beneficiary or of an estate or trust is six hundred dollars or over. Returns shall show separately the amount of interest and dividends received from corporations and other sources paid out of income previously taxed under this act, and other interest and dividends received. Taxpayers who are engaged in business partly within and partly without this state shall return all the facts necessary to compute the allocation provided for in section 4. All tax payers shall return full data as to exemptions and as to all matters required by the commission for the correct computation of the taxes assessed hereunder. Returns may be made upon an accrual basis when the taxpayer's books are customarily kept on that basis.

The commission shall permit returns to be made for periods ending other than December 31 whenever that is necessary to coincide with the taxpayer's fiscal year, and may do so in such other particular cases as they find convenient.

All returns provided for by this act shall be signed by the taxpayer or by his authorized agent, subject to the pains and penalties of perjury.

Further amend said bill by striking out section 9 and inserting in place thereof the following: 9. *Information Returns*. Each individual, partnership, corporation, company, or association resident or doing business in this state, including lessees, mortgagors, fiduciaries, employers, officers of the state or of any of its political subdivisions, having the control, receipt, custody, disposal, of payment of interest, salaries, wages, rentals, premiums, compensations, remuneration, emoluments, dividends, profits, annuities, and other income amounting to six hundred dollars or more, paid or payable during the year to any individual, partnership or fiduciary shall in such form as the commission prescribe, make return thereof to the commission, on or before March first of each year.

Further amend section 25 by adding at the end thereof the following: The commission may also require all employers in this state of individuals resident in this state to withhold from the compensation of such individuals the tax imposed by section 5 A, if said tax shall remain unpaid more than ninety

days after date on which payment of same is due. The commission shall have like powers to enforce such withholdings as are above provided in this section, and such withholdings shall be a debt from the employer to the state, so that said section as amended shall read as follows: 25. *Withholding.* The commission may require all employers in this state of individuals not resident in this state to withhold from the compensation of such non-residents a sum sufficient to pay the tax herein provided upon such compensation. Such withholdings shall be a debt from the employer to the state. The commission may impose reasonable rules and regulations for the reporting and collection of such withholdings and for the repayment to the taxpayer of any sum withheld over and above the tax interest payable by him. The commission may also require all employers in this state of individuals resident in this state to withhold from the compensation of such individuals the tax imposed by section 5 A, if said tax shall remain unpaid more than ninety days after date on which payment of same is due. The commission shall have like powers to enforce such withholding as are above provided in this section, and such withholdings shall be a debt from the employer to the state.

Amend section 29 of said bill by striking out said section and inserting in place thereof the following: 29. *Takes Effect.* This act shall take effect upon its passage and shall apply to all income received or accrued from and including July 1, 1949 and to and including December 31, 1951. The tax on persons imposed by section 5 A shall not be levied after the tax due and payable with the returns filed for the calendar year 1951. The reporting, enforcement and collection provision of this act shall continue in effect after December 31, 1951 for the purpose of collecting taxes due for the calendar year 1951 and any other taxes assessed under this act then remaining unpaid.

The undersigned, a minority of the Committee on Ways and Means, to whom was referred House Bill No. 186, An act providing for an income tax, and being unable to agree with the majority, reported the same with the following resolution, *Resolved*, That it is inexpedient to legislate.

DANIEL J. HEALY,

*A Minority of the Committee.*

The reports were accepted.

The bill with the amendment pending was laid upon the table to be printed.

### Notice

The Speaker read the following notice.

There will be a meeting of the Strafford County Convention Thursday, June 23, 1949 immediately after the session in the Balcony of the House of Representatives.

The purpose of the meeting is to authorize a bond issue of fifty thousand dollars (\$50,000) for the construction of an annex to the Strafford County Court House in Dover, New Hampshire.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 131, An act relative to partition proceedings.

Senate Bill No. 133, An act providing for mutual aid service in connection with fires.

House Bill No. 182, An act relative to division of the State for taking wild deer.

House Bill 519, An act increasing fees paid to the Secretary of State for corporation and partnership registrations, licenses, engrossing private acts, election recounts and miscellaneous documents.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to adopt the report of the Committee of Conference on the following bills:

Senate Bill No. 121, An act relating to assistant pharmacists.

House Bill No. 360, An act relating to certain tax exemption of citizens who fought with allies of the United States.

The message further announced that the Senate had voted to concur with the House of Representatives in the

passage of the following entitled bill sent up from the House of Representatives.

House Bill No. 221, An act to authorize the construction and financing of a sewer system by the town of Meredith.

The message also announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 519, An act increasing fees paid to the secretary of state for corporation and partnership registrations, licenses, engrossing private acts, election recounts and miscellaneous documents.

On motion of Mr. Wadleigh of Milford the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third reading, by title, of a bill, made in order at the present time.

### Third Readings

Senate Bill No. 106, An act establishing the date of Fast Day.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Waterhouse of Windham at 12:30 o'clock the House adjourned.

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THURSDAY, JUNE 23, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O Thou God of universal interest and protection; bless our land and write the law of justice on the hearts and consciences of its rulers and its people. Let Thy fatherly pity and protection rest upon the poor, the sick and the sorrowful. Relieve those who suffer under the injustice of their fellowmen; give them patience and sure confidence in Thee. Support

all who are in any trouble. Give vision to those who stumble in the pathway of duty, wisdom to those who do not know the right, and courage to those who dare not do the right; through Jesus Christ our Lord. Amen.

### Leaves of Absence

Messrs Farmer of Newport, Ring of Alstead, Edson of Lebanon and Flanagan of Dover were granted leave of absence for the day on account of important business.

### Resolution

Mrs. Griffin of Auburn offered the following resolution:

*Whereas* today is the 80th birthday of John M. Ewing, Representative from Laconia for five sessions, therefore be it

*Resolved*, That we, the members of the House of Representatives extend to our fellow member our heartiest congratulations and best wishes for a happy birthday.

On a *viva voce* vote the resolution was adopted.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:

House Bill No. 283, An act relating to licenses for hotels.  
The report was accepted.

### Senate Message

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 70, An act to revise the charter of the city of Keene.

House Bill No. 485, An act opening Shannon Brook in Moultonborough to smelt fishing.

House Bill No. 520, An act to repeal charters of certain corporations.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendment to the following entitled bill:



Senate Bill No. 100, An act in relation to municipal utilities.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

Senate Bill No. 135, An act relating to the incorporation of Granite Lodge No. 1056, Loyal Order of Moose of Berlin, New Hampshire.

The message also announced that the Senate had voted to non-concur with the House of Representatives in the passage of the following entitled bill:

House Bill No. 236, An act relating to small claims.

### Committee Reports

Mr. Boynton of Hillsborough, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 27, Joint resolution directing the state planning and development commission to continue the study of the problems of the smaller communities, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the resolution by striking out all after the word "court" in the seventh line so that the resolution as amended shall read as follows: That the state planning and development commission is hereby directed to continue the study of the problems of the smaller communities in New Hampshire which was undertaken by direction of chapter 307, Laws of 1947. The study shall include a thorough investigation of the causes of population decline and to find means for developing the recreational, industrial, agricultural and timber resources of such communities. The said commission shall report its findings to the next biennial session of the general court.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 49, An act relative to the bag limit for taking horned pout, reported the

same with the following recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Laraba of Portsmouth, for the Committee on Judiciary, to whom was referred House Bill No. 320, An act relating to the extermination of wild boars in the counties of Sullivan and Grafton, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Enclosure.* "Any person or corporation owning or possessing wild boar in this state shall at all times keep such wild boar in a safe and suitable enclosure so that they may not run at large or damage the person or property of others.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Abatement.* Any person or corporation owning or having introduced wild boar into this state who, heretofore, shall have suffered, permitted, or otherwise failed to prevent, the escape of such wild boar shall abate, at his or its own expense, the public nuisance resulting therefrom on or before April 1, 1950 by employing all reasonable means to capture or exterminate such wild boar and their progeny. Persons suffering damage to their lands, property or person after April 1, 1950 caused by wild boar now at large as specified in this paragraph and which are not captured or exterminated as herein provided within the specified time limit, may recover such damage in an action of trespass against the said owner, or person or corporation having introduced the same into this state.

Amend section 3 of said bill by striking out the words, "in addition to the penalty provided therefor," so that said section as amended shall read as follows:

3. *Liability.* Any person or corporation owning or possessing wild boar in this state, who shall violate the provisions of section 1, shall be liable in an action of trespass for all damage done by said wild boar to the lands, properties or persons of others.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5. *Takes Effect.* Section 3 of this act shall take effect April 1, 1950 and sections 1, 2 and 4 shall take effect upon the passage of this act.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Pickett of Keene, for the Committee on Judiciary, to whom was referred Senate Bill No. 125, An act relating to fire resistant hallways and stairways, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Underwood of Hampton, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 123, An act relative to the issuance of bonds or notes of Hampton Beach Village District, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word, "forty" in the third line and inserting in place thereof the word, sixty, and by striking out the figure, "\$40,000" in the third line and inserting in place thereof the figure, \$60,000, so that said section as amended shall read as follows:

1. *Authorization.* The Hampton Beach Village District is hereby authorized to issue serial notes or bonds on the credit of the district to an amount not exceeding sixty thousand dollars (\$60,000) for the purpose of the construction of a salt water fire protection system.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Ecker of Manchester, for the Committee on Municipal and County Government, to whom was referred Senate Bill No. 139, An act relative to zoning powers of the Rye Water District, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Moffett of Berlin, for the Committee on Executive Departments and Administration, to whom was referred

Senate Bill No. 88, An act relating to the covering of wells, reported the same with the amendment as printed in the Journal of June 22, on pages 5 and 6, and the recommendation that the bill as amended ought to pass.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Dwinell of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 186, An act providing for an income tax, reported the same with the amendment, as printed in the Journal of June 22, on pages 7, 8, 9, 10, 11 and 12, and the recommendation that the bill as amended ought to pass.

The undersigned, a minority of the Committee on Ways and Means, to whom was referred House Bill No. 186, An act providing for an income tax, and being unable to agree with the majority, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

DANIEL J. HEALY,

*A Minority of the Committee.*

Mr. Healy of Manchester moved to substitute the minority report, inexpedient to legislate, for that of the majority, ought to pass with amendment.

The question being on the motion offered by Mr. Healy of Manchester.

(Discussion ensued)

Messrs. Healy of Manchester, Martel of Manchester, Wadhams of Alexandria, Betley, Kennedy and Malatras of Manchester, Brown of Laconia, Velishka of Nashua, Angus of Claremont and Mrs. Dondero of Portsmouth, spoke in favor of the motion.

Messrs. Dwinell of Lebanon, Johnson of Northwood, Baron of Claremont and Rowell of Newport, spoke against the motion.

Mr. Sanborn of Wakefield in chair.

Mr. Upton of Concord spoke against the motion.

**Remarks of Richard F. Upton,  
Speaker of the House of Representatives,  
On House Bill No. 186, An Act Providing for an  
Income Tax.**

*Mr. Speaker:*

I am taking the floor on this bill for one reason and for one reason only; and I do not come before you as a partisan proponent or opponent of the bill but rather, as Louis D. Brandeis often put it, as "attorney for the situation."

Two weeks ago this House on a roll call vote of 228 to 68 passed the budget. We refused to reconsider our action on a motion to reconsider, offered afterward.

I took that to be an honest vote indicating that more than a majority of the House was in favor of that budget and that if they were for it, they must be willing to pay the bill. Most of the members attend Town Meeting, and you know that after the meeting has passed appropriations, the town does not run away and leave the bills unpaid; they are automatically added to the tax rates. Thus I took that vote as a serious expression of the House's decision on what sum of money they desired that the State should spend for the next two years. Now I am here before you to assume my share of the responsibility in trying to meet the commitment which you made.

When I take the floor, it is as a private member. There is no pressure or "cracking of the whip" in this move. What we do today is truly up to the members of the House. If I have retained any semblance of your respect, I do not believe I would be entitled to keep it if I kept silent on an issue on which I feel as strongly as this one. Frankly, I hope that no one will vote for this bill unless he is persuaded that it is right. All I ask is that we use our best judgment on the facts before us.

The balancing of the budget is not a party issue. It is above party politics. As evidence of this, you will recall that the minority leader of the House stood on this floor two weeks ago and said that the budget could not be cut further and that this was a fair budget.

As the member from Lebanon, the Chairman of the Ways and Means Committee has said, his Committee has no other

answer if this bill is rejected. They have considered and rejected the state tax on real property. They have considered and rejected a high poll tax of \$10 to \$15 per person. They proposed a sales tax which the House defeated last week. Now here is their second proposition, the income tax. They frankly admit that they know of no other way to balance the budget which we passed. Neither do I.

So it comes down to this. If the House passes this bill, we can balance the budget and end this ever-lengthening session of the legislature which is costing upwards of \$15,000 a week. If we reject this bill, such action will have to be taken as a mandate that this House does not want to raise new revenue to meet the debts which 228 of us voted to incur when we passed the budget. The next alternative will not be pleasant, as the House will presently see. Therefore, the decision on this bill is the crucial one of the session so far as new revenue is concerned.

We in New Hampshire are not alone in having financial troubles. Massachusetts has a deficit of over 20 million dollars. New York had to meet a deficit of over 100 million dollars. Maine retained its state property tax of \$7.25 per thousand. Vermont raised 5 million dollars in new revenue, including an increase in its income tax. Connecticut and Rhode Island continued their sales tax. In California, Governor Warren had to propose a program of 26 new taxes to balance his budget.

Why are we in this fix? The member from Alexandria gave you one answer, the trend toward more government services. Incidentally, at this session, we have created no new services of any account. We are trying to find a way to pay for those which we now have. I would not stand here and claim that there is no waste in state government. That would be the same as saying that sin had been abolished. All that we can do about waste in government is to fight it constantly, but like sin I doubt if we can abolish it.

During the last great war, tremendous sums of new money were put in circulation. The dollar is worth a lot less today. But the State still has to perform the same public services as before. Assume for a moment that government were as efficient as business. It is not, but assume it is. In business, prices have increased greatly. Take the Ford auto. Its price has practically doubled since before the war. The price of gov-

ernment has just plainly gone up too. It contains the same elements as the cost of an auto. You have in government your labor costs, costs of materials, and costs of utilities and services. These have all increased and the State has to pay more for them, even as you and I do. Take the cost of good roads, which we all crave, judging by the clamor. The new type of roads now demanded by the public cost today \$100,000 per mile; just think of it!

Take the State institutions as another example. At the State Hospital for the Insane we found that the price of coal went up from \$9 a ton to \$13 a ton. You women members know how the cost of food and clothing has gone up in recent years. Now we have got to feed those patients up there; we have got to clothe those without clothing and we have got to heat the buildings, even though the costs have increased greatly. We cannot turn those people out in the street. At the State Hospital we have 2400 patients. Yet the scale of doctors' pay is so low that although there were 16 positions on the staff we had eight vacancies. We had only eight doctors to care for 2400 patients, and some of these were refugees from Europe who could not qualify for regular practice of medicine.

Take the cost of old age assistance. The sum which was a decent allowance in 1941 will not do today. Food and rent are higher. Clothing is higher, and these old people must live, too.

Do you want a decent State Library? Well, the cost of books has increased substantially in recent years.

When telephone rates went up, the State had to pay more too, even as you and I do. These are only a few examples, and I could give many more. These costs are up whether we like it or not, and there is little we can do about it.

I take it that we all want our State to be reasonably progressive. We don't want luxuries, but we don't want to be a backward state either. We want good roads, good schools, and good public services. I find no one who asks for poor public services.

I took occasion to examine the budget of our neighboring state of Vermont for the next two years. Our population is 500,000; theirs is 360,000. They are a somewhat more rural state than we are, but the average per capita income of each state is about the same. On a comparative basis their biennial

budget is about \$26,200,000 while ours is about \$32,000,000. Vermont is, therefore, spending somewhat more than we propose, in proportion to population. While we cut our state aid to education to \$1,500,000 per year, they increased their figure to \$2,500,000 per year. We pay \$44,000 per year toward a teachers' retirement system. Vermont pays \$500,000 for the same purpose. Our state police department costs us \$338,000 per year. In Vermont the budget of their Department of Public Safety is \$470,000 per year. There are, of course, a large number of items on which we spend more money than they do. I cite the Vermont budget to show that, taking human nature as it is in legislative bodies, our overall total budget is not out of line with Vermont's.

Here is an important thing to remember. Eighty per cent of our New Hampshire budget is devoted to three essentials:

(1) *Public Health and Safety:*

Board of Health, State Police, Motor Vehicle Department, Law Enforcement, National Guard.

(2) *Education:*

Department of Education, State University, Normal Schools, Trade Schools, State Aid Program.

(3) *Care of Poor and Welfare:*

Public Welfare, Old Age Assistance, Aid to Dependent Children; the five state institutions.

Eighty per cent of the money spent goes to the three above-mentioned fields. If budget slashes are made, the major part will be in these fields, accordingly.

Where does the remaining twenty per cent go? It goes to such departments as these:

Agriculture	Secretary of State
Labor	Forestry and Recreation
Banks	State Library
Insurance	Attorney General
Liquor Stores	Probation
Treasury	Highway Department
Public Service Commission	Tax Commission
Fish and Game	Planning and Development

And last but not least, the legislature, the courts, the governor, and council. There are other minor boards and commissions



but their expenditures are minor and their abolition would do little to meet our problem. Now these agencies are where the remaining twenty per cent is going. There is no self-respecting state in the Union which does not have such departments as these. Which would you abolish? I spoke before a group of hard-headed business men recently. We went over the budget, department by department, taking a consensus vote on each. When we had finished, they had voted to abolish \$150,000 worth of departments. The consensus was that we had to have the rest. Now I ask you, Mr. Speaker, what are we going to do in the face of this situation, when we face a deficit of \$6,000,000 for the next biennium.

Some say, just fire some employees and you will balance the budget. Probably some could be fired. If you fire 100 people, you would save about \$200,000 per year. Fire 500 and you would save about \$1,000,000 per year. We would still need \$2,000,000 in new revenue per year, even if 500 could be fired. I have heard no one here seriously claim that 500 employees should be laid off.

I do not say that our budget cannot be cut. Any budget can be cut if you want to give up services. But where you stop is largely a matter of opinion. I might think that the member from Exeter was right in wanting to cut out the subsidies for agricultural societies. But when he tried it, he was overwhelmed by opposition speakers. I might agree with the member from Hudson to abolish the Travel Bureau, but his amendment was voted down by a majority of the members.

Truly, a dictator could easily cut this budget. However, we have here a representative democracy where majority rule controls. Only when a majority agrees, can we cut the budget. A majority of this House after two days' debate refused to cut the budget. Indeed, the most strenuous efforts were made to increase it, particularly by the member from Manchester Ward 5, in his amendment to increase state aid to education. If the budget is returned here for further consideration, I predict that efforts will be made by some members to increase it, even now.

I will tell the House how we could take 3 million dollars per year out of the budget. Look to the action of the last session in 1947. If we cut, it will be logical to do so in the

fields most recently increased. These are "last ditch" alternatives.

1. Cut state aid to education back to where it was two years ago. We would lose federal aid, but we would cut the budget by one million dollars. This, with the cut already made, would raise local property rates by about \$2.00 to \$3.00 per thousand around the State.

2. Cut public welfare by the sum of one million dollars, which we added two years ago. True, we would have to reduce old age assistance checks and we would lose one federal dollar for every state dollar we cut. Medical payments would fall back on the towns and cities, increasing local taxes.

3. Cut the State University by the amount we increased it two years ago or roughly one-half million dollars.

4. Cut the state institutions and the remaining state departments by a total of \$500.00.

These cuts total about three million dollars which is the size of our deficit. Remember that the cuts just have to come in these fields, because this is where the real money is being spent. A vote to kill this bill means that we will have to do just that, and there will be no chance for an improved teachers' retirement system or pay re-adjustments for state employees, many of whom are underpaid. We do not hear much these days about the pay increase which both political parties promised the state employees last fall.

How can this state be expected to run a modern state government on its present tax system? Vermont has an income tax ranging from  $1\frac{1}{2}$  per cent to  $5\frac{1}{2}$  per cent. Maine has a state property tax of \$7.25 per thousand. Massachusetts has an income tax starting at  $1\frac{1}{2}$  per cent on earnings and going as high as 6 per cent on unearned income. Connecticut has a sales tax and a low income tax on corporations. Rhode Island has a sales tax and a low income tax on corporations. New Hampshire has none of these, and has only gotten by in recent years because of boom-time income from liquor stores, tobacco tax and racing. These revenues are now beginning to decline substantially.

Some ask, will not your reorganization bill take care of all these problems at the fall session? If you load much more weight onto this horse named "reorganization," I'm afraid

that he will be left at the post. Reorganization is much misunderstood. The reorganization bill does not grant power to abolish a single service. The power granted is to regroup and consolidate state agencies so as to realize more efficient management. The same services will, it is hoped, be performed by fewer agencies. This will not result in large immediate slashes in the budget. The economies achieved will be long range in nature, due to better technique of management and better control.

The bill before us providing for an income tax has seven main points.

1. A one and one-half per cent tax on net income at a flat rate.

2. The same exemptions and deductions as are permitted under the Federal Income Tax. In other words, \$600 for a husband, \$600 for his wife, \$500 for each dependent, \$1800 for persons over 65 years of age and for the blind.

3. A filing fee of \$5.00 levied on all persons who now have to file a Federal return, even though otherwise wholly exempt. This tax is only levied on the income earner and not on his dependents.

4. Income from interest and dividends is exempted from this tax, because it is already subject to another tax.

5. Persons living in New Hampshire who work in another state and pay an income tax in that state and are not subjected to the New Hampshire tax on the income earned and taxed in the other state.

6. This tax act will expire December 31, 1951 unless the next legislature takes positive action to renew it.

7. The tax is deductible in computing the federal income tax, so that a proportion of the tax will come out of money otherwise paid to the Federal government.

This is a broad base tax. It is not class legislation. Remember, thirty-six states have a state income tax. If not this, what do you suggest?

Article 12 of the Bill of Rights provides that every member of the community is bound to contribute his just share of the public expense. This article was written by men who understood the nature of our government, since they fought for it. I refer to men like John Langdon and John Stark. In the great

Revolutionary crisis of 1777 John Stark came out of retirement to lead our troops to Bennington, and John Langdon, then Speaker of the House, pledged his personal fortune to finance the cost of the expedition. These men knew that the bills had to be paid. Eighty years later when New Hampshire in the election of 1856 took a stand against slavery, John Greenleaf Whittier wrote these stirring lines,

“God bless New Hampshire  
From her granite peaks  
Once more the voice of Stark and Langdon speaks.”

Today we face a stern civil crisis. What will our answer be? Yes, Mr. Speaker, God bless New Hampshire. From her granite peaks what voice will speak today? I leave it squarely to the House, conscious that I have tried to do my duty as I see it, and hoping that the House will make its decision in the same spirit.

Mr. Pickett of Keene spoke in favor of the motion.

Mr. Lea of Pembroke moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to substitute the minority report, inexpedient to legislate, for the report of the majority, ought to pass with amendment.

Mr. Upton of Concord called for a division.

A division being had, 167 members having voted in the affirmative, and 167 members having voted in the negative, the chair cast its vote in the negative, and the motion to substitute did not prevail.

Mr. Martel of Manchester demanded the yeas and nays and the roll was called with the following result:

### Yeas, 178

HILLSBOROUGH COUNTY: Wilson, French, Farwell, Jones of Francestown, Hambleton, Reid of Litchfield, Kennedy of Manchester, Danforth, Geisel, Connor of Manchester, Dwyer, Martel, Sweeney, Fitzgerald, Kean, Betley, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of Manchester, Casey, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Zyla, Heroux, Leclerc, O'Connor, Sullivan of Manchester, Ward 7, Delisle, Kane,

Simard, Cary, Gagnon of Manchester, Auger, Getz, McPhail, Roche, April, LaFlamme of Manchester, Vaillancourt, Chapdelaine, Daniel of Manchester, Gauthier, Thibodeau of Manchester, Cannon, Donnelly, Wedick, Falconer, Fletcher, Atherton, Cooper, Ramsdell, Boire, Landry, Belcourt, Brosnahan, Spalding of Nashua, Chasse, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Janelle, Velishka, Cote, Bigelow, Barry.

CHESHIRE COUNTY: Pickett, Forbes, Lang.

SULLIVAN COUNTY: Angus, Converse of Claremont, Bissonnett, Stetson, Riley, Walker of Grantham, Cummings of Newport, Downing, Gardner of Springfield, Callum.

GRAFTON COUNTY: Wadhams, Brown of Ashland, Willey, Sommers, Jones of Lebanon, Madden, Kelley of Littleton, Dusik, Anderson, Sawyer of Woodstock.

COOS COUNTY: Dussault, Hinchey, Moffett, Desilets, Henderson of Berlin, Bartlett, Brungot, Christiansen, Bouchard, Fontaine, Gagnon of Berlin, Roy of Berlin, Fraser, Baxter, Potter, Phelan.

ROCKINGHAM COUNTY: Fitch, Heon, Fecteau, Eldredge, Sanborn of Fremont, Labranche of Newmarket, Carter of North Hampton, Alessi, Dondero, Payette, Hobbs, Leary, Ingraham of Portsmouth, Haigh, True.

STRAFFORD COUNTY: Redden, Stackpole, Gouin, Grimes, Marcotte, Felker, Dodge, Stocklan, Henderson of Durham, Parker, Horne, Rolfe, Cartier of Rochester, St. Pierre, Lacasse, Green of Rollinsford, Lagueux, Letourneau, Cater of Somersworth.

BELKNAP COUNTY: Simoneau, Brown of Laconia, Smith of New Hampton, Bruno.

CARROLL COUNTY: Downs, Hill, Lucy, Thompson of Effingham, MacGown, Banfield.

MERRIMACK COUNTY: Couture, Nicoll, Coakley, Ferrin, Flynn, Suosso, Bunten, Nawn, Sargent, Burke, LaBranche of Franklin, Lorden, Connor of Henniker, Dudevoir, Mullaire, Astles, Kenney, Carr, Lea.

## Nays, 161

HILLSBOROUGH COUNTY: Tracy, Black, Ellsworth, Reed of Goffstown, Tirrell, Adams of Greenfield, Doonan, English, Boynton, Crosby, Goodwin, Corliss, Daniels of Manchester, Sawyer of Manchester, Wadleigh, Shedd, Thompson of New Ipswich, Myhaver, Osborne.

CHESHIRE COUNTY: Dort, Thomas, Miller, Spofford, Perry of Jaffrey, Aldrich, Landers, Darling, Turner, Zimmerman, Hall, Tolman, Andrews, Sherwin, Blake, Kershaw, Killeen, Rhodes, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Perkins, Hutchins, Baron, Nelson, Holmes of Langdon, Wirkkala, Rowell, Read of Plainfield.

GRAFTON COUNTY: Chamberlin of Bath, Whittier, Wheeler, Eggleston, Dunbar, Grass, Williams of Grafton, Atkins, Fuller, Holden, Chamberlin of Haverhill, Clough, Perry of Haverhill, Adams of Lebanon, Ashley, Cole, Dwinell, Collins, Hamilton, Gardner of Littleton, Orr, Pushee, Green, Bell, Loizeaux, Barney.

COOS COUNTY: Mason, Lazure, Currier, Gould, Falkenham, Hamlin of Dummer, Malloy, Kimball, Evans of Lancaster, Moses, Johnson of Milan, Ellingwood, Converse of Pittsburg, Hinman, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Persson, Hazelton, Corson, Elwell, Rathbone, Richards, Weeks of Greenland, Root, Merrill, Underwood, Parmenter, Johnson of Northwood, Colcord, Durell, Foote, Yeaton, Laraba, Bluitte, Peever, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Smalley, Crandall, Webster, Wormhood, Dustin, Jones of Rochester, Studley, Fernald, Leach, Malley, Brown of Strafford.

BELKNAP COUNTY: McAllister, Dearborn, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Shannon, Ewing, Ransom, Smith of Meredith, Atwood.

CARROLL COUNTY: Washburn, Wild, Wiggin, Knox, Remick, Hodgdon, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Moore, Rancour, Colbath, Kennedy of Concord, Hurd, Nash, Saltmarsh, Tilton of Concord, Greene of Concord, Upton, Blodgett, Sawyer of Concord, Towle, Chase, Spiller, Ferguson, Holmes of Salisbury, Yerxa, Savory, Stebbins.

### Pairs

Mr. Spaulding of Hudson voting no, paired with Mr. Marden of Chichester voting yes.

Mr. Roukey of Manchester voting yes, paired with Mr. Keller of Laconia voting no.

Mrs. Lareau of Manchester voting yes, paired with Mr. Edson of Lebanon voting no.

Mr. Ring of Alstead voting no, paired with Mr. Farmer of Newport voting yes.

Mr. Walker of Hinsdale voting no, paired with Mr. Smith of Keene voting yes.

Mr. Erwin of Keene voting yes, paired with Mr. Billings of Westmoreland voting no.

Mr. Corbett of Concord voting yes, paired with Mr. Roby of Concord voting no.

And the motion to substitute prevailed.

Mr. Pickett of Keene moved to reconsider the vote whereby the House voted to substitute the minority report for that of the majority.

The question being on the motion to reconsider.

(Discussion ensued)

Messrs Pickett of Keene, Angus of Claremont, and Upton of Concord spoke in favor of the motion.

Mr. Upton of Concord moved that the bill with the reports, and the motion to reconsider pending, be laid upon the table.

Mr. Betley of Manchester moved to adjourn but subsequently withdrew his motion.

Mr. Hart of Wolfeboro moved the previous question.

The question being, Shall the main question now be put?

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On a *viva voce* vote the previous question was ordered.

The question being on the motion to lay upon the table.

On a *viva voce* vote the Chair was in doubt.

Mr. Myhaver of Peterborough called for a division.

A division being had, 186 members having voted in the affirmative, and 131 members having voted in the negative, the motion to lay upon the table prevailed.

Mr. Gauthier of Manchester demanded the yeas and nays, but subsequently withdrew his demand.

(The Speaker in Chair)

Mr. Angus of Claremont moved that House Bill No. 186, with reports and motion to reconsider pending, be taken from the table, but subsequently withdrew his motion.

### Resolutions

Mr. Scammon of Stratham offered the following resolution:

*Resolved*, That the Honorable Senate be requested to return the budget bill to the House of Representatives.

The question being on the motion.

(Discussion ensued)

Mr. Scammon of Stratham spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

Mr. Martel of Manchester offered the following resolution:

*Resolved*, That 500 copies of the budget book be printed and one copy be given to each member.

The question being on the resolution.

(Discussion ensued)

Mr. Martel of Manchester spoke in favor of the resolution.

Mr. Myhaver of Peterborough spoke against the resolution.

On a *viva voce* vote the resolution was not adopted.

Mr. Sanborn of Wakefield offered the following resolution:

*Resolved*, That the address given by the member from



Concord, Mr. Upton, be printed in the Journal, and a copy be sent to every member of the House of Representatives.

The question being on the resolution.

(Discussion ensued)

Messrs. Sanborn of Wakefield and Willey of Campton spoke in favor of the resolution.

Mr. Moffett of Berlin spoke against the resolution.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Wadleigh of Milford the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

### Afternoon

On motion of Mr. Wadleigh of Milford the rules were suspended to allow third reading of bills, by title only, and when the House adjourn today it be to meet at 11:00 o'clock Tuesday, June 28.

### Third Readings

House Bill No. 320, An act relating to the extermination of wild boars in the counties of Sullivan and Grafton.

House Joint Resolution No. 27, Joint resolution directing the state planning and development commission to continue the study of the problems of the smaller communities.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 88, An act relating to the covering of wells.

Senate Bill No. 123, An act relative to the issuance of bonds or notes of Hampton Beach Village District.

Severally read a third time and passed, and sent to the Senate for concurrence in the amendment.

Senate Bill No. 49, An act relative to the bag limit for taking horned pout.

Senate Bill No. 125, An act relating to fire resistant hallways and stairways.

Senate Bill No. 139, An act relative to the zoning powers of the Rye Water District.

Severally read a third time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mr. Zimmerman of Keene at 3:10 o'clock the House adjourned.

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TUESDAY, JUNE 28, 1949

The House met according to adjournment.

Prayer was offered by the Rev. Russell E. Perry, pastor of Methodist Church of Hillsborough, N. H.

God of our fathers and our God, in whom our fathers trusted, and found their faith rewarded by Thy gracious care, we humbly beseech Thee to grant Thy blessing upon Thy servants, the Governor of the State of New Hampshire, his counsel and this legislature.

Give them, we pray, high and noble ideals of service, help them to make the right choices that would be best for the state, and enable them to keep their vision fresh against the world.

Guard them, we pray, from the selfish use of their authority. Give them the spirit of wisdom, goodness and truth; and so rule their hearts, that law and order, justice and goodwill may everywhere prevail. Lead them forth into the battle for right, and give them the glorious sense of fellowship with Thee, that what they do may be done to the honor of Thy holy name, through Jesus Christ our Lord. Amen.

#### **Leaves of Absence**

Mr. Sommers of Holderness was granted leave of absence for the day on account of important business.

Mr. Turner of Keene was granted leave of absence for the day on account of illness in family.

Mr. Cummings of Peterborough was granted leave of absence for the week on account of important business.

#### **Introduction of Bill**

The following bill was read a first and second time, laid upon the table to be printed and referred as follows:

House Bill No. 528, An act making temporary appropriations for the expenses of the state of New Hampshire for the month of July, 1949.

Read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Spaulding of Hudson moved that the rules be suspended and printing and reference to committee of House Bill No. 528 be dispensed with.

On a *viva voce* vote the motion prevailed.

Mr. Spaulding of Hudson further moved that the rules be suspended, and House Bill No. 528 be put upon its reading, by title, at the present time.

The question being on the motion.

(Discussion ensued)

Messrs. Spaulding of Hudson, Atherton of Nashua and Barry of Wilton, spoke in favor of the motion.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed and sent to the Senate for concurrence.

### Committee Reports

Mr. Sanborn of Wakefield, for the Committee on Appropriations, to whom was referred House Bill No. 487, An act relating to the Northeastern Interstate Forest Fire Compact, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 491, An act establishing an official gauge for measuring the water levels of Lake Winnepesaukee, reported the same, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "September" in the eighth line and inserting in place thereof the word, October; further amend by adding at the end thereof the words, provided however, that upon the finding

of an emergency by the Water Resources Board, said Board may permit drafts of water in excess of said amount during said period for such time and in such amounts as said Board may determine, so that said section as amended shall read as follows:

1. *Official Gauge for Lake Winnepesaukee.* The gauging station maintained by the United States Geological Survey at Endicott Park at the Weirs in Laconia, New Hampshire, located approximately five hundred feet northwesterly from the northerly end of the channel connecting Lake Winnepesaukee and Pagus Bay shall be and hereby is established as the official gauging station to measure the level of water in Lake Winnepesaukee. The total quantity of water drawn from Lake Winnepesaukee during the seven days in any week between June first and October fifteenth of any year shall not exceed the equivalent of 250 cubic feet for each second time during said week when the gauge reading (making due allowance for seiche and wind action) on said gauging station is at or below 502.4 feet above mean sea level as shown by said gauging station, provided, however, that upon the finding of an emergency by the Water Resources Board, said Board may permit drafts of water in excess of said amount during said period for such time and in such amounts as said Board may determine.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Zimmerman of Keene, for the Special Committee consisting of the Delegation from the City of Keene, to whom was referred House Bill No. 79, An act to revise the Charter of the City of Keene, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### **Committee of Conference Report**

The Committee of Conference, to whom was referred House Bill No. 473, An act relating to appeals in municipal zoning matters, having considered the same, recommend that the Honorable Senate recede from the adoption of its amendment and that the Honorable Senate and House of

Representatives concur in the adoption of the following amendment:

Amend section 65-c as inserted by section 2 of the bill by striking out said section and inserting in place thereof the following: 65-c. *Burden of Proof.* Upon the hearing the burden of proof shall be upon the party seeking to set aside any order or decision of the board of adjustment or legislative body to show that the same is unreasonable or unlawful, and all findings of the board of adjustment or legislative body of such municipality upon all questions of fact properly before it shall be deemed to be *prima facie* lawful and reasonable: and the order or decision appealed from shall not be set aside or vacated, except for errors of law, unless the court is persuaded by the balance of probabilities, on the evidence before it, that said order or decision is unjust or unreasonable.

RAE S. LARABA,  
GARDNER C. TURNER,  
C. MURRAY SAWYER,  
*Conferees on Part of the House.*

ARTHUR J. REINHART,  
CHARLES F. HARTNETT,  
*Conferees on Part of the Senate.*

On a *viva voce* vote the report was adopted.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 100, An act in relation to municipal utilities.

Senate Bill No. 106, An act establishing the date of Fast Day.

Senate Bill No. 135, An act relative to the incorporation of Granite Lodge No. 1056, Loyal Order of Moose of Berlin, New Hampshire.

House Bill No. 485, An act opening Shannon Brook in Moultonborough to smelt fishing.

House Bill No. 520, An act to repeal charters of certain corporations.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to adopt the following resolution:

*Resolved*, That the House of Representatives be informed that the Senate respectfully declines to return the budget bills as requested by the House.

The message further announced that the Senate had voted to reconsider its vote whereby it adopted the report, inexpedient to legislate, on House Bill No. 236, An act relating to small claims, and recommitted the bill.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives.

House Bill No. 456, An act relating to hearing and awards by the Labor Commissioner of Superior Court under the workmen's compensation law.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Workmen's Compensation*. Amend section 35 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out the same and inserting in place thereof the following: 35. *Hearings and Awards*. If the compensation is not fixed by agreement, either party may petition for hearing and award in the premises either to the commissioner of labor or to the superior court. If the petition for hearing and award in the premises is made by either party to the commissioner of labor, said commissioner shall set a time and place for hearing and give at least fourteen days' notice thereof to the parties by giving notice in hand or by registered mail sent to his last known place of abode. At such hearing full consideration shall be given to all evidence which may be presented, and within thirty days thereafter said commissioner shall make his award setting forth his findings of fact and the law applicable thereto, and shall forthwith send to each of the parties a copy of such award. Petition for hearing and award in the premises may be made by either party to the superior court, either direct or on appeal from an award

made by the commissioner of labor, the venue to be according to civil actions *in personam* between the same parties, and the court shall set a time and place for hearing and order at least fourteen days' notice thereof to the parties; if a petition to the superior court as herein provided is made subsequent to a hearing before the said commissioner, such petition shall be filed within sixty days of the date of said commissioner's award. At such hearing a full trial shall be had before a justice of the superior court, without jury, and within thirty days thereafter the court shall make its award setting forth its findings of fact and the law applicable thereto, and the clerk of court shall forthwith send to each of the parties and to the commissioner of labor copies of such award.

2. *Appeals.* Amend chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting after section 35 the following new section: 35-a. *Petition for Right.* Any person, aggrieved by a decision of the commissioner, who was prevented from appealing therefrom within sixty days through mistake, accident, or misfortune, and not his own neglect, may petition the superior court at any time within one year thereafter, to be allowed an appeal, setting forth his interest, his reason for appealing and the causes of his delay.

3. *Hearings.* Amend section 36 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out the same and inserting in place thereof the following: 36. *Manner of Giving Notice of Hearing.* Notices of hearings under the provisions of this chapter shall be given by giving notice in hand or by sending it by registered mail, addressed to the employee, employer, and to said employer's insurance company at his, or its, last known residence or place of business. A copy of each notice of a hearing set by the superior court shall be sent by registered mail to the commissioner of labor.

4. *Awards and Agreements.* Amend section 38 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out the same and inserting in place thereof the following: 38. *Modification; Effect.* Upon application of any party in interest upon the ground of change in the conditions, mistake as to nature or extent of injury or disability, fraud, undue influence or coercion, the commissioner

of labor or the superior court, whichever made the original award, may, not later than one year after the date of the last payment fixed by the award, review said award, and upon such review, may make an order ending, diminishing or increasing the compensation previously awarded, subject to the maximum or minimum provided in this chapter and shall state its conclusions of fact and ruling of law. Such a review shall not affect such award as regards any money already paid. All procedure on such an application shall be the same as herein provided for original hearings.

5. *Limitations.* Amend paragraph I of section 8-a of chapter 216 of the Revised Laws as inserted by chapter 205 of the Laws of 1949 by striking out said paragraph and inserting in place thereof the following: I. A policy of workmen's compensation insurance covering the liability of an employer under the provisions of this chapter shall not be cancelled within the time limited in such policy for its expiration until at least thirty days after a notice of intention to cancel such policy on a date specified in such notice has been filed in the office of the commissioner and also served on the employer. Provided, however, that the limitation on the cancellation of a policy as provided in this paragraph shall not apply if the employer has replaced said policy with another carrier.

6. *Takes Effect.* This act shall take effect as of July 1, 1949.

On motion of Mr. Rowell of Newport the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill; with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 517, An act relative to the administration of the unemployment compensation law.

Amend section 2 of the bill by striking out the whole of said section and inserting in place thereof the following: 2. *Judicial Review.* Amend subsection G, section 5 of chapter



218 of the Revised Laws, as amended by section 15, chapter 59 of the Laws of 1947, by striking out the whole of said subsection and inserting in place thereof the following: *G. Judicial Review.* Any interested party, and for the purposes of this subsection the commissioner shall be deemed to be an interested party, apprieved by any decision in proceedings under the provisions of this section may, after exhaustion of other administrative remedies provided herein, if any, and within ten days after the date of notification or mailing of such decision, obtain judicial review thereof by filing in the superior court for the county in which is located the employment bureau or branch in which the original claim was filed, a petition for review of such decision, and in such proceeding any other party to the proceeding before the appeal tribunal shall be made a party respondent. The petition for review need not be verified but shall state the grounds upon which such review is sought. If the commissioner is a party respondent, the petition shall be served upon him by leaving with him, or such representative as he designate for that purpose, as many copies of the petition as there are respondents. With his answer or petition the commissioner shall verify and file with the court a certified copy of the record of the case, including all documents and papers and a transcript of all testimony taken in the matter, together with the appeal tribunal's findings, conclusions and decision therein. Upon the filing of a petition for review by the commissioner, or upon the service of the petition upon him or his representative, the commissioner shall forthwith send by registered mail to each other party to the proceeding a copy of such petition, and such mailing shall be deemed to be completed service upon all such parties. In any proceeding under this subsection the findings of the appeal tribunal as to the facts, is supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of said court shall be confined to questions of law. Such proceedings shall be heard in a summary manner and shall be given precedence over all other civil cases except cases arising under the workmen's compensation law of this state. An appeal may be taken from the decision of the superior court to the supreme court of New Hampshire, in the same manner, but not inconsistent with the provisions of this chapter, as is provided in civil cases. It shall not be necessary, in any judicial proceed-

ings under this subsection, to enter exceptions to the rulings of the appeal tribunal, and no bond shall be required for entering such appeal. The commissioner may of his own motion transfer to the supreme court any question of law arising in the administration of this chapter. A petition for judicial review shall not act as a *supersedeas* or stay unless the commissioner shall so order. Upon the final determination of such judicial proceeding, the commissioner shall enter an order in accordance with such determination.

Mr. Fletcher of Mont Vernon moved that the House non-concur, and a Committee of Conference be appointed.

On a *viva voce* vote the motion prevailed.

The Speaker appointed as members of such committee on part of the House, Messrs. Fletcher of Mont Vernon, Angus of Claremont and Waterhouse of Windham.

### Resolution

Mr. Laraba of Portsmouth offered the following resolution:

*Whereas* the House of Representatives find themselves unable at this time to agree upon the enactment of any new revenue measures to balance the budget.

*Resolved*, That the Honorable Senate be respectfully requested to make all necessary reductions in the budget to bring expenditures in balance with present estimated revenues and upon the adoption of these reductions, to return the necessary amendments to the House of Representatives for concurrence.

On a *viva voce* vote the resolution was adopted, and sent to the Senate for concurrence.

On motion of Mr. Wadleigh of Milford the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third reading, by title, of bills, made in order at the present time.

### Third Readings

House Bill No. 79, An act to revise the charter of the City of Keene.

House Bill No. 487, An act relating to the Northeastern Interstate Forest Fire Compact.

House Bill No. 491, An act establishing an official gauge for measuring the water levels of Lake Winnepesaukee.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Spaulding of Hudson at 11:45 o'clock the House adjourned.

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## WEDNESDAY, JUNE 29, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty God, our Father, in Whom and by Whom we have our being, we beseech Thee to help us attain those dimensions of life Thou hast made possible for us. Give to us that depth of life that finds its rootage in the things of Thee, and thus assures a safe anchorage against whatever assails us. Give to us that breadth of life that reaches out and beyond all narrowness and pettiness, and all partisan and sectarian barriers that would circumscribe our usefulness. Give us that height of life that reaches above the mists and the fog, and breathes the atmosphere of heaven. We ask it in the name of Jesus Christ. Amen.

### Leave of Absence

Mr. Sommers of Holderness was granted leave of absence for the day on account of important business.

### Introduction of Bill and Joint Resolution

The following bill and joint resolution were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Bill No. 529, An act changing the name of Nashua Building and Loan Association to Nashua Building and Loan or Cooperative Bank.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Banks.

Mrs. Cooper of Nashua moved that the rules be suspended, printing and reference to a committee of House Bill No. 529, be dispensed with.

On a *viva voce* vote the motion prevailed.

Mrs. Cooper of Nashua moved that the rules be further suspended and House Bill No. 529 be put upon its third reading, by title, and final passage at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed and sent to the Senate for concurrence.

By the Committee on Rules, House Joint Resolution No. 35, Joint resolution in favor of the estate of Andrew C. Elliott.

The report was accepted, the joint resolution read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Wadleigh of Milford moved that the rules be suspended, printing and reference to a committee of House Joint Resolution No. 35, be dispensed with.

On a *viva voce* vote the motion prevailed.

Mr. Wadleigh of Milford moved that the rules be further suspended and House Joint Resolution No. 35 be put upon its third reading, by caption, and final passage at the present time.

On a *viva voce* vote the motion prevailed.

The joint resolution was read a third time and passed and sent to the Senate for concurrence.

### Committee Reports

Mr. Atherton of Nashua, for the Committee on Appropriations, to whom was referred House Bill No. 87, An act relating to the establishment of a civil defense agency, reported the same with amendment, and the recommendation that the bill as amended ought to pass.

Mr. Atherton of Nashua moved that the bill with the report pending be laid upon the table.

On a *viva voce* vote the motion prevailed.

Mr. Daniels of Ward 1, Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 318,

An act making an appropriation for an addition to the state highway garage, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate, subject matter covered in the Capital Budget.

The report was accepted and the resolution of the committee adopted.

Mr. Sawyer of Woodstock, for the Committee on Appropriations, to whom was referred House Bill No. 489, An act providing for an aerial survey of the state of New Hampshire, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 4 of the bill by striking out the word "not" in the sixth line and by striking out all after the word "lapse" in the sixth line, so that said section as amended shall read as follows: 4. *Fund Established*. There shall be a fund to be known as the Aerial Survey Fund to which shall be credited all receipts from the sale of aerial photographic prints. The planning and development commission shall pay over to the state treasurer each month all sums received under this chapter from the sale of aerial photographic prints; said state treasurer shall keep a separate account of said fund which shall lapse.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Oakes of Landaff, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 8, Joint resolution in favor of Marvin G. Smith, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Hart of Wolfeboro, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 11, Joint resolution in favor of Brendan J. Splaine, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the resolution by striking out after the word "armory" in the fifth line the words "The sum hereby ap-

propriated shall be a charge on the funds for the national guard" and inserting in place thereof the following: The Governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated, so that said joint resolution shall read as follows: That the sum of fifty-seven dollars and fifty cents is hereby appropriated to reimburse Brendan J. Splaine for medical and hospital expenses incurred by him as a result of an accident which occurred in May, 1948, while he was on duty as a member of the national guard at the Franklin armory. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Further amend the resolution by adding the following new paragraph:

That the sum of five hundred eight dollars and twenty cents (\$508.20) is hereby appropriated to continue semi-monthly payments to David A. Proctor of Littleton from September, 1950, to March, 1951. The sum hereby appropriated shall be expended in the same manner as payments are now made by the highway department to said David A. Proctor for special retirement benefits. The sum hereby appropriated shall be a charge upon the highway funds.

The report was accepted, the amendment adopted, and the joint resolution ordered to a third reading.

Mr. Daniels of Manchester, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 14, Joint resolution in favor of Ora V. Norcross, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Currier of Colebrook, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 15, Joint resolution in favor of Theophile G. Tetreault, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Grass of Franconia, for the Committee on Education, to whom was referred Senate Bill No. 99, An act relative to insertion of articles in the warrant for school district meeting, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out in the seventh and eighth lines the words "at least twenty-five days before the day prescribed for an annual meeting" and inserting in place thereof the words and figures, not later than February 13 of any year; further amend said section by adding at the end thereof the words, No article may be inserted after posting of said warrant, so that said section as amended shall read as follows:

1. *School District Meeting.* Amend section 6 of chapter 139 of the Revised Laws by striking out said section and inserting in place thereof the following: 6. *Warrant.* Upon the written application of ten or more voters or one sixth of the voters of the school district, presented to the school board or one of them not later than February 13 any year; the school board shall insert in the school district warrant for such meeting any subject specified in such application. No article may be inserted after posting of said warrant.

The report was accepted, the amendment adopted and the bill ordered to a third reading.

Mr. Whittier of Bethlehem, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 113, An act relative to free fishing licenses to persons over seventy years of age, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted.

Mr. Pickett of Keene moved that the words "ought to pass" be substituted for the resolution of the committee, inexpedient to legislate.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Pickett of Keene and Lea of Pembroke spoke in favor of the motion.

Messrs. Tolman of Nelson, Zimmerman of Keene, Felker of Dover and Washburn of Bartlett spoke against the motion.

Mr. Laraba of Portsmouth moved the previous question. The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the motion to substitute.

On a *viva voce* vote the Chair was in doubt.

The Chair called for a division.

A division being had, 156 members having voted in the affirmative and 165 members having voted in the negative, the motion to substitute the words "ought to pass" for the resolution of the committee, inexpedient to legislate, did not prevail.

The question being on the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 127, An act relative to the powers of the director of fish and game, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the words "fish or" where they occur in the fifth and sixth lines so that said section as amended shall read as follows:

1. *Fish and Game Director.* Amend chapter 240 of the Revised Laws by adding after section 9 the following new section: 9-a. *Power to Close Any Area.* Notwithstanding the other provisions of this chapter, the director shall have the power and authority to close any area in the state for taking game for the purpose of propagation of such game for a period not exceeding ninety days in any one calendar year.

The report was accepted.

The question being on the amendment offered by the committee.

Mr. Sawyer of Manchester moved that the bill and amendment be recommitted to the Committee on Fisheries and Game.

The question being on the motion to recommit.

(Discussion ensued)



Mrs. Brungot of Berlin and Messrs. Knox of Sandwich and Fernald of Rochester, spoke in favor of the motion.

On a *viva voce* vote the motion to recommit prevailed.

The bill was recommitted to the Committee on Fisheries and Game.

Mr. Whittier of Bethlehem, for the Committee on Fisheries and Game, to whom was referred House Bill No. 314, An act relative to possession of lobster meat, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

### Reconsideration

Mr. Whittier of Bethlehem moved that the House reconsider the vote whereby it voted as inexpedient to legislate, House Bill No. 113, An act relative to free fishing licenses to persons over seventy years of age.

The question being on the motion to reconsider.

(Discussion ensued)

Messrs. Pickett of Keene and Gouin of Dover spoke in favor of the motion.

Mr. Fernald of Rochester spoke against the motion.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Paquette of Nashua demanded the yeas and nays.

The member from Portsmouth, Mr. Foote, rose to a point of order and inquired whether members of the House over 70 years of age were disqualified to vote on the pending question, because of the provisions of Rule 17.

### Ruling of Speaker

Ruling of the Speaker on the point of order raised by member from Portsmouth, under Rule 17.

Rule 17 states that no member shall vote on any question in the event of which he is directly interested. The Chair could find no local precedents.

The Congress of the United States has for many years had a similar rule, and the precedents on this issue in Con-

gress are well established. The following points are clear under these precedents:

1. The power of the House by rule to deprive a duly elected member of his right to vote is a grave matter and should be exercised with great care and restraint. (Decision of Mr. Speaker Longworth of Ohio, April 5, 1928).

2. The words "directly interested" mean that a member must be financially interested, as an individual, in the outcome of the vote. If it is clear that the member will gain money or lose money as a result of the vote, he would be disqualified to vote on the question. For example, a member could not vote on a bill to pay himself a private claim, nor on a contest involving his right to his seat in the House.

3. The question must affect the member individually and not as a member of a large class of persons or as a member of the general public. (Decision of Mr. Speaker Blaine of Maine, February 28, 1873). For example, members are not disqualified from voting on tax bills or fee bills, which taxes or fees they would pay as citizens generally.

4. The Speaker himself may not disqualify a member from voting. After proper interpretation of the rule by the Speaker, it is up to the member himself to determine whether he is disqualified to vote. (Decision of Mr. Speaker Reed of Maine, December 17, 1895).

It is obvious that the Chair cannot interrupt the roll call or vote and hold a hearing to receive evidence on this matter, since such procedure would be impractical and cause long delay. The Chair often has no personal knowledge of the circumstances of the member whose vote is challenged.

In the case before us, the Chair is of the opinion that members of the House over 70 years of age come within the third point, above stated, and are not disqualified to vote on the pending question.

Mr. Angus of Claremont moved that the bill and motion to reconsider be laid upon the table.

On a *viva voce* vote the motion to lay on the table did not prevail.

The question being on the motion to reconsider the vote whereby the House voted as inexpedient to legislate.

The roll was called with the following result:

## Yeas, 137

HILLSBOROUGH COUNTY: Wilson, Boynton, Reid of Litchfield, Sawyer of Manchester, Connor of Manchester, Dwyer, Sweeney, Fitzgerald, Kean, Nolan, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of Manchester, Vavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Leclerc, Sullivan of Manchester, Ward 7, Delisle, Kane, Simard, Cary, Gagnon of Manchester, Getz, Roukey, April, LaFlamme of Manchester, Vaillancourt, Gauthier, Daniel, Thibodeau of Manchester, Cannon, Donnelly, Wedick, Boire, Landry, Belcourt, Spalding of Nashua, Chasse, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Cote, Bigelow, Barry.

CHESHIRE COUNTY: Ring, Willard, Erwin, Pickett, Forbes, Lang.

SULLIVAN COUNTY: Angus, Hutchins, Baron, Stetson, Riley, Nelson, Cummings of Newport, Downing, Farmer, Gardner of Springfield, Callum.

GRAFTON COUNTY: Madden, Gardner of Littleton, Sawyer of Woodstock.

COOS COUNTY: Dussault, Hinchey, Mason, Moffett, Desilets, Henderson of Berlin, Lazure, Brungot, Christiansen, Bouchard, Fontaine, Gagnon of Berlin, Roy of Berlin, Fraser, Johnson of Milan, Baxter, Ellingwood, Potter, Phelan.

ROCKINGHAM COUNTY: Corson, Heon, Hepworth, Fecteau, LaBranche of Newmarket, Alessi, Dondero, Payette, Yeaton, Leary, Ingraham of Portsmouth.

STRAFFORD COUNTY: Redden, Gouin, Grimes, Marcotte, Stocklan, Flanagan, Parker, Webster, St. Pierre, Lacasse, Green of Rollinsford, Lagueux, Letourneau, Coffin.

BELKNAP COUNTY: McAllister, Simoneau, Ewing, Smith of Meredith, Smith of New Hampton.

CARROLL COUNTY: Wiggin.

MERRIMACK COUNTY: Couture, Moore, Marden, Coakley, Ferrin, Corbett, Roby, Chase, Burke, Dudevoir, Mullaire, Kenney, Lea, Holmes of Salisbury.

## Nays, 196

HILLSBOROUGH COUNTY: Tracy, French, Black, Farwell, Ellsworth, Jones of Francestown, Hambleton, Reed of Goffstown, Tirrell, Adams of Greenfield, Doonan, English, Crosby, Goodwin of Hollis, Goodwin and Spaulding of Hudson, Corliss, Daniels of Manchester, Danforth, Auger, Peaslee of Merrimack, Falconer, Wadleigh, Atherton, Cooper, Ramsdell, Goulet, Brosnahan, Shedd, Thompson of New Ipswich, Myhaver, Osborne.

CHESHIRE COUNTY: Thomas, Miller, Walker of Hinsdale, Spofford, Perry of Jaffrey, Aldrich, Landers, Darling, Turner, Zimmerman, Hall, Tolman, Andrews, Sherwin, Blake, Kershaw, Killeen, Rhodes, Billings, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Perkins, Converse of Claremont, Zopf, Bissonnett, Walker of Grantham, Holmes of Langdon, Wirkkala, Rowell, Read of Plainfield, Williams of Washington.

GRAFTON COUNTY: Wadhams, Brown of Ashland, Chamberlin of Bath, Whittier, Wheeler, Willey, Eggleston, Dunbar, Grass, Williams of Grafton, Atkins, Fuller, Holden, Chamberlin of Haverhill, Clough, Perry of Haverhill, Adams of Lebanon, Ashley, Cole, Dwinell, Jones of Lebanon, Collins, Hamilton, Kelley of Littleton, Orr, Dusik, Pushee, Bell, Loizeaux, Barney, Anderson.

COOS COUNTY: Bartlett, Gould, Falkenham, Hamlin of Dummer, Malloy, Kimball, Evans of Lancaster, Moses, Converse of Pittsburg, Baker, Hinman, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Hazelton, Fitch, Eldredge, Elwell, Rathbone, Richards, Sanborn of Fremont, Weeks of Greenland, Root, Underwood, Stevens, Parmenter, Carter of North Hampton, Johnson of Northwood, Colcord, Foote, Hobbs, Laraba, Bluitte, Haigh, True, Evans of South Hampton, Waterhouse.

STRAFFORD COUNTY: Swain, Felker, Crandall, Henderson of Durham, Wormhood, Horne, Rolfe, Dustin, Studley, Fernald, Leach, Cater of Somersworth, Brown of Strafford.

BELKNAP COUNTY: Perkins, Dearborn, Obert, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Tilton of Laconia, Shannon, Thompson of Laconia, Brown of Laconia, Ransom, Atwood.

CARROLL COUNTY: Washburn, Downs, Hill, Lucy, Thompson of Effingham, MacGown, Wild, Knox, Remick, Hodgdon, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Hardy, Nicoll, Rancourt, Colbath, Kennedy of Concord, Suosso, Hurd, Nash, Saltmarsh, Tilton of Concord, Bunten, Greene of Concord, Blodgett, Nawn, Sawyer of Concord, Sargent, Towle, Lorden, Connor of Heniker, Spiller, Carr, Ferguson, Yerxa, Savory, Stebbins.

And the motion to reconsider the vote adopting the resolution of the committee, inexpedient to legislate, did not prevail.

Mr. Whittier of Bethlehem, for the Committee on Fisheries and Game, to whom was referred House Bill No. 477, An act to restrict the use of purses, seines and beam trawls on the New Hampshire sea coast, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 7, An act relative to white pine blister law, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 2 the following new section:

3. *State Forester.* Amend chapter 238 of the Revised Laws by inserting after section 9-a as hereinbefore inserted the following new section: 9-b. *Notice Required.* Two weeks prior to the removal or destruction of any currant or gooseberry bushes within any town by the state forester or his authorized agents under the provisions hereof, a written notice shall be given by the state forester to the selectmen of the town stating the date and the location operations for such removal or destruction will be begun.

Further amend said bill by renumbering section 3 to read section 4.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 85, An act providing that town appropriations for white pine blister rust may be optional, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Wedick of Manchester, for the Committee on Forestry and Recreation, to whom was referred House Bill No. 166, An act relative to the control of white pine blister rust, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Jones of Lebanon, for the Joint Committee on Judiciary and Education, to whom was referred House Bill No. 146, An act prohibiting the teaching of doctrines of communism or overthrow of government by force in public or private schools in the state, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Prohibition.* No person shall advocate Communism as a political doctrine or any other doctrine which includes the overthrow by force of the government of the United States or of this state in any public or state approved school or in any state institution.

2. *Oath Required.* All persons engaged directly or indirectly in teaching in public or state approved schools or in any state institution shall take an oath in writing before a person authorized to administer oaths in this state and this oath shall be as follows:

"I..... do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the constitution of the State of New Hampshire, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservations or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a teacher in any school or institution in New Hampshire, I will not advocate nor become a member of any political party or organization which advocates the overthrow of the government of the United States or of this state by force or violence."

3. *Penalty.* Any teacher as defined in section 1 who refuses to take the oath prescribed in section 2 or who violates said oath after taking the same shall forthwith be dismissed from his position as a teacher and shall no longer be eligible for any position connected with teaching in this state.

4. *Enforcement.* It shall be the duty of the attorney general to administer the provisions of this act, so that the oaths required hereunder are taken and provide for the dismissal of those ineligible to teach as provided in section 3.

5. *Exception.* The provisions of sections 2 and 3 of this act shall not apply to bonafide exchange professors or teachers who are not citizens of the United States provided that they declare their citizenship and nationality.

6. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

#### Taken from the Table

House Bill No. 435 (in new draft), An act relating to the charter of the city of Portsmouth.

The question being, Shall the bill (in new draft) be read a third time.

On a *viva voce* vote the bill (in its new draft) was ordered to a third reading.

### Recorded as Voting

Messrs. Foote and Yeaton of Portsmouth were recorded as voting in the negative on House Bill No. 435 because they stated that very little public interest was shown in favor of the bill at the public hearing.

### Resolutions

Mr. Crosby of Hillsborough offered the following resolution:

*Whereas*, we have learned of the death of Mrs. Arlene Robinson, sister of Stewart E. Astles, Representative from Hopkinton, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend our heartfelt sympathy to our fellow member in his bereavement, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Mr. Astles.

On a *viva voce* vote the resolution was adopted.

Mr. Tilton of Laconia offered the following resolution:

*Whereas*, today is the 85th birthday of Frank B. Shannon, Representative from Ward 4, Laconia, therefore be it

*Resolved*, That we, the members of the House of Representatives, hereby extend to our fellow member our best wishes for a Happy Birthday for today and many years to come, and be it further

*Resolved*, That the Clerk forward to Mr. Shannon a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

### Engrossed Bills Report

Mrs. Landers of Keene, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:



House Bill No. 70, An act to revise the charter of the city of Keene.

The report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to non-concur with the House of Representatives in its amendments to the following entitled bill and ask for a Committee of Conference, and the president appointed as members of such committee on the part of the Senate, Senators McMeekin and Carson on Senate Bill No. 88, An act relating to the covering of wells.

On motion of Mr. Johnson of Northwood the House acceded to the request of the Honorable Senate, and the Speaker appointed as members on such committee on part of the House, Messrs. Johnson of Northwood and Downs of Conway, and Mrs. Dondero of Portsmouth.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 329, An act amending the charter of the city of Dover.

House Bill No. 377, An act relative to the charter of the city of Dover.

House Bill No. 527, An act to establish a new apportionment for the assessment of public taxes.

House Bill No. 528, An act making temporary appropriations for the expenses of the State of New Hampshire for the month of July, 1949.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 123, An act relative to the issuance of bonds or notes of Hampton Beach Village District.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on House Bill No. 473, An act relating to appeals in municipal zoning.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House Bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives.

House Bill No. 221, An act to authorize the construction and financing of a sewer system by the town of Meredith.

Amend section 4 of said bill by striking out the first two lines and inserting in place thereof the following:

4. *Application of Laws.* Except as hereinbefore otherwise provided, the provisions of Part 22, chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945, relative to sewers, and the provisions

On motion of Mr. Ransom of Meredith the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 335, An act relative to taking wild deer, and other game animals.

Amend section 1 of said bill by striking out the figure "16" in the fifth line and inserting in place thereof the figure 16-c.

On motion of Mr. Fernald of Rochester the House concurred in the adoption of the amendments proposed the the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

On motion of Mr. Wadleigh of Milford the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third reading, by title, of bills, made in order at the present time.

### Third Readings

House Bill No. 7, An act relative to white pine blister law. Relating to the Charter of the City of Portsmouth. (In new draft), House Bill No. 435.

House Bill No. 477, An act to restrict the use of purses, seines and beam trawls in the New Hampshire sea coast.

House Bill No. 489, An act providing for an aerial survey of the state of New Hampshire.

House Joint Resolution No. 11, Joint resolution in favor of Brenden J. Splaine.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Bill No. 99, An act relative to insertion of articles in the warrant for school district meeting.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

On motion of Mr. Killeen of Walpole at 1:15 o'clock the House adjourned.

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THURSDAY, JUNE 30, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, with the Psalmist of old may we say: "This is the day which the Lord hath made: we will rejoice and be glad in it." Thou hast brought us to the beginning of this new day, direct us in the same with Thy mighty power. Help us to meet the joys of this day with gratitude, its difficulties and disappointments with fortitude, and its duties with unswerving fidelity. In all of our deliberation help us to keep our motives high, our appraisals fair, and our consciences unbetrayed, that when the task of the day is done the Master may say of us: "Well done." Amen.

### Introduction of Bill

The following bill was read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Bill No. 530, An act to establish a Standard Mileage Table for the General Court. To the Committee on Mileage.

Read a first and second time, laid upon the table to be printed, and referred to the Committee on Mileage.

### Committee Reports

Mr. Holden of Hanover, for the Committee on Judiciary, to whom was referred House Bill No. 438, (in new draft), An act relative to real estate brokers and salesmen, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by striking out the word "nor" in line 3 and inserting in place thereof the word, and, so that said section as amended shall read as follows:

2. *License Required.* No person shall carry on business in this state as a real estate broker or salesman and shall hold himself out as such broker or salesman and advertise himself as such unless he shall have first obtained a license from the commissioner as provided in this chapter.

Amend section 4 of the bill by inserting after the word "repute" in lines 1 and 2 the word, competent, so that said section as amended shall read as follows:

4. *Issuing Licenses.* Upon being satisfied that the applicant is of good repute, competent, reliable, suitable and entitled to public confidence, the commissioner shall issue a license to such applicant in the capacity requested in the application. Licenses shall be issued for the period of one year and shall expire after the date of issue.

Amend section 5 of the bill by striking out the words "and a new fee paid" in line 8 and inserting in place thereof the words, for the balance of the license year without additional fee, so that said section as amended shall read as follows:

5. *Types of Licenses.* Two classes of licenses may be issued, namely a broker's license and a salesman's license. In the case of a firm, partnership, association or corporation applying for license as a broker, the license shall be issued to the firm, partnership, association or corporation.

5. *Types of Licenses.* Two classes of licenses may be issued, namely a broker's license and a salesman's license. In the case of a firm, partnership, association or corporation applying for license as a broker, the license shall be issued to the firm, partnership, association or corporation and each member thereof actively engaged in selling real estate shall

be listed thereon. Non-resident licenses shall be designated as such. In the event a salesman terminates his employment with one broker and becomes associated with another, a new license shall be issued for the balance of the license year without additional fee.

Amend section 6 of the bill by striking out the same and inserting in place thereof the following:

6. *Fees.* The initial fee for a broker's license shall be fifteen dollars and the annual renewal of such license shall be ten dollars. The initial fee for a real estate salesman's license shall be five dollars and the annual renewal of such license shall be five dollars. Fees for non-resident licenses shall be reciprocal to those charged in such other states but not less than fees for resident licenses. Payment of the fees shall accompany the application.

Amend the first paragraph of section 9 by inserting after the word "person" in line 2 the words, signed by the complainant; further amend said paragraph by adding after the word "case" in line 4 the words, or the commissioner may on his own initiative, so that said paragraph as amended shall read as follows:

9. *Suspension or Revocation of Licenses.* The commissioner shall upon the complaint in writing of any person, signed by the complainant, provided such complaint or such complaint together with evidence, documentary or otherwise, presented in connection therewith, shall make out a *prima facie* case, or the commissioner may on his own initiative, investigate the actions of any real estate broker or real estate salesman, or any person who shall assume to act in either such capacity within this state, and shall have the power to examine into the affairs of any real estate broker or salesman and require such person to produce all books, papers and records relating to the real estate business of such person and to suspend or to revoke any license issued under the provisions of this chapter, at any time where the licensee has by false or fraudulent representation obtained a license, or where the licensee in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

Amend section 10 of the bill by striking out the words "provide the licensee with a copy of the complaint" in line 2

and inserting in place thereof the words, hold a hearing, so that said section as amended shall read as follows:

10. *Hearings.* The commissioner before revoking or suspending a license, shall hold a hearing and shall give the licensee at least ten days' notice prior to the date of the hearing, of any charges made and shall afford such licensee an opportunity to be heard in person or by counsel in reference thereto. The hearings on such charges shall be at such time and place as the commissioner shall prescribe. The commissioner shall have the power to subpoena and bring before him any person in this state or to take testimony by deposition, in the same manner as is prescribed by law in judicial proceedings. He shall keep a complete stenographic record of his proceedings in such cases. Sheriffs and witnesses shall receive the same fees for the service of process and attendance before the commissioner as are paid sheriffs and witnesses in matters pending before the superior court.

Amend section 12 of the bill by striking out the same and inserting in place thereof the following:

12. *Appeal.* The action of the commissioner in revoking or suspending or refusing to issue, revoke or suspend a license shall be subject to review by appeal to the superior court at the instance of the licensee, or the complainant, if any, within thirty days after the filing of a commissioner's decision. On such appeal there shall be a trial *de novo* and the burden of proof shall be on the complainant or the commissioner.

Amend section 16 of the bill by adding after the word "and" in line 2 the words, upon conviction, so that said section as amended shall read as follows:

16. *Penalty.* Any person violating any of the provisions of this chapter shall be fined not more than one hundred dollars and upon conviction his license may be suspended or revoked as the commissioner may deem proper.

Further amend the bill by inserting after section 16 the following new section:

17. *Exceptions.* The provisions of this chapter shall not apply to any person, partnership, association, or corporation who as owner or lessor shall perform any of the acts aforesaid with reference to property owned or leased by said owner or

lessor, or to the regular employees thereof, with respect to the property so owned or leased where such acts are performed in the regular course of, or as an incident to the management of such property and the investment therein, nor shall this chapter be construed to include in any way the services rendered by an attorney at law in the performance of his duties as such attorney at law; nor shall it be held to include, while acting as such, a receiver, trustee in bankruptcy, administrator or executor or any person selling real estate under order of any court, nor to include a trustee acting under a trust agreement, deed of trust, will or the regular salaried employees thereof.

Further amend the bill by renumbering section 17 to read section 18.

Amend section 18 by renumbering and by striking out the word "July" and inserting in place thereof the word, October, so that said section as amended shall read as follows:

19. *Takes Effect.* This act shall take effect October 1, 1949.

The report was accepted.

The bill, with the amendment pending, was laid upon the table to be printed.

Mr. Pickett of Keene, for the Committee on Judiciary, to whom was referred Senate Bill No. 94, An act relating to beano, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *New Chapter.* Amend the Revised Laws by inserting after chapter 171 the following new chapter:

#### **Chapter 171-A**

#### **Games of Beano**

1. *Definitions.* Terms used in this chapter shall be construed as follows unless a different meaning is clearly apparent from the language or context:

I. "Beano" shall mean any game by whatever name called in which a prize is offered to the person first completing a straight line of squares across a placard marked into squares for said purpose.

II. "Charitable organization" shall mean any *bona fide* religious, charitable, civic, veterans' or fraternal organization which shall have been in existence for at least two years and as organized presently under the laws of this state and to which contributions are exempt from federal income tax.

2. *License.* The selectmen of any town or the chief of police of any city wherein the provisions of this chapter have been adopted may issue to any charitable organization within such town or city a license to conduct games of beano on not more than five days in any one calendar month under the following conditions:

I. The license shall authorize games on specific dates at specific times and at a specified location.

II. Such license shall not be transferable.

III. All persons conducting said games shall be members of the charitable organization.

IV. The price to be paid for a single card or play under the license shall not exceed ten cents.

3. *Fees.* No license issued hereunder shall be granted until a license fee of ten dollars has been paid therefor to the selectmen or chief of police to whom application for license is made, except that no fee shall be required when the play is purely for amusement purposes where no charge is made nor any consideration is required nor taken as a prerequisite to play.

4. *Expiration of License.* A license granted hereunder shall be effective only for the current month for which it is issued. A new application shall be made for each license required.

5. *Remittance.* The fee received by the selectmen of a town or chief of police of a city shall be paid over to the town or city treasurer for the use of the town or city.

6. *Application of Chapter.* The provisions of chapter 447 of the Revised Laws relative to lotteries and gambling contracts shall not apply to games of beano conducted under a license provided for herein.

7. *Local Option.* The following question shall be submitted to the voters in cities at the annual or biennial municipi-



pal election and in towns at the annual meeting: (a) "Shall the provisions of chapter 171-A of the Revised Laws relative to playing games of beano be adopted in this city or town?" In cities and in towns having an official ballot this question shall appear upon the official ballot. In towns where no official ballot is used, the vote on the question shall be by special ballot. If a majority of the qualified voters present and voting at any municipal election signifies the approval of the question hereinbefore stated, the selectmen of said town or the chief of police of said city may issue licenses for the conduct of games of beano under the provisions of said chapter 171-A.

8. *Prohibition.* No person shall conduct games of beano unless licensed to do so under the provisions of this chapter. Any person who shall violate any of the provisions of this chapter shall be fined not more than five hundred dollars and each day's play shall constitute a separate offense.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

Mr. Blake of Swanzey, for the Committee on Public Works, to whom was referred Senate Bill No. 138, An act relating to highways, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 413, An act establishing the New Hampshire sea and shore fisheries department, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relating to the lobsters and crabs.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Requirements; Fees.* Amend section 42 of chapter 245 of the Revised Laws by striking out said section and inserting in place thereof the following: 42. *License.* No person shall at any time, place, set, keep, maintain, supervise, lift, raise or draw in, from any waters under the jurisdiction of this state, or in any way aid or assist in so doing, any pot, trap, warp, or any other device used in taking lobsters or crabs without first procuring a special license so to do; nor during the time from sunset to one hour before sunrise. Such license shall be issued by the director, under such rules and regulations and in such form as may be prescribed by him. The fee for such license shall be ten dollars, provided that if the person does not take lobsters or crabs for the purpose of selling the same and does not use more than ten traps, the fee for such limited license shall be five dollars.

2. *Violations.* Amend section 43 of chapter 245 of the Revised Laws by striking out said section and inserting in place thereof the following: 43. *Revocation; Suspension.* Persons convicted for violation of the provisions pertaining to taking lobsters and crabs shall forfeit their license for not more than one year in the discretion of the director. If an appeal is taken the license shall be suspended pending the disposition of said case and for not more than one year thereafter from date of conviction by the higher court. The director shall revoke the license of any person who has been found guilty in any court a second time within five years of the first finding of guilt, of a violation of any such laws or regulations, for a period of not less than one, nor more than three years from the date of such finding or conviction. The director may order any license to be suspended or revoked, after due hearing, for any cause that he may deem sufficient. Any person whose license has been revoked or suspended shall not accompany any licensed fisherman or assist him in any way while he is engaged in taking or transporting lobsters or crabs.

3. *Inspection.* Amend section 43-a of chapter 245 of the Revised Laws as inserted by chapter 278, Laws of 1947, by adding at the end thereof the following: Said lobster traps, pots, cars or devices shall be taken to a place of storage on the shore and shall be inspected by a conservation officer and such traps, pots, cars or devices shall not be placed in the water

again by any other person until they have been inspected by a conservation officer and rebranded with the last name and initials of the new user in a manner satisfactory to the conservation officer, so that said section as amended shall read as follows: 43-a. *Removal of Devices.* Any person whose license has been suspended shall within five days remove from the waters all lobster traps, pots, cars, or any device used in taking or storing of lobsters and crabs. Said lobster traps, pots, cars or devices shall be taken to a place of storage on the shore and shall be inspected by a conservation officer and such traps, pots, cars or devices shall not be placed in the water again by any other person until they have been inspected by a conservation officer and rebranded with the last name and initials of the new user in a manner satisfactory to the conservation officer.

4. *Definition of Resident.* Amend section 44 of chapter 245 of the Revised Laws by inserting after the word "years" in the fourth line the word, immediately, so that said section as amended shall read as follows: 44. *Who May Take Lobsters and Crabs.* No person shall take lobsters or crabs from the waters of New Hampshire unless he is a *bona fide* resident of the state, and no license shall be issued to a person unless he shall furnish proof that he has resided within the state for at least five years immediately preceding this application for a license and has not during that time claimed a residence in any other state for any purpose.

5. *Female Lobsters.* Amend section 45 of chapter 245 of the Revised Laws by striking out the words "with a distinctive mark" and inserting in place thereof the following: by in width at the widest point, in the middle flipper of the tail, a V notch not less than one-half inch in width at the widest point, in the middle flipper of the tail, so that said section as amended shall read as follows: 45. *Distinctive Mark.* Any person taking any female lobster carrying spawn shall immediately mark said lobster by a V not less than one-half inch and return said lobster to the water. The director shall furnish to any person requesting the same a punch for the purpose of making such distinctive mark.

6. *Prohibitions.* Amend chapter 245 of the Revised Laws by inserting after section 46 the following new section:

46-a. *Female Lobsters.* Whoever takes, buys, sells or has in his possession any female lobster bearing eggs or marked as specified in the preceding section shall be fined ten dollars plus not more than ten dollars for each such female lobster involved, or imprisoned for not more than ninety days, or both. But a person who takes any such lobster and immediately returns it alive to the waters from which it was taken shall not be subject to such penalty. This section shall not apply to lobsters spawning in cars or pounds if they are, upon discovery, immediately marked and liberated alive in the coastal waters, nor shall anything herein contained be construed as prohibiting the director or his agents from possessing and transporting female lobsters carrying spawn or having the distinctive mark for propagation purposes.

7. *Possession.* Amend section 47 of chapter 245 of the Revised Laws as amended by chapter 114 of the Laws of 1943 by inserting after the word "sale" in the ninth line the words, or possesses for any purpose, so that said section as amended shall read as follows: 47. *Legal Length.* No person shall buy, sell, give away or expose for sale, or possess for any purpose, any lobster less than three and one-eighth of an inch in length alive or dead, cooked or uncooked, measured from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell. The possession of mutilated lobster cooked or uncooked shall be *prima facie* evidence that it is not of legal length. Whoever ships, transports, carries, buys, gives away, sells or exposes for sale or possesses for any purpose lobster meat after the same shall have been taken from the shell without the tail meat being whole and intact, and of a length of less than four and one-quarter inches when laid out straight and measured from end to end, not including the small part that is on the body end of the tail meat, shall be liable to the penalty imposed for violation of this section.

8. *Lobster Meat.* Amend chapter 245 of the Revised Laws by inserting after section 47 the following new section: 47-a. *Exception.* Nothing in the provisions of section 47 shall prevent anyone from handling or possessing lobster meat caught and canned or processed outside the state of New Hampshire, which is clearly and plainly marked with the place

of its origin, which does not comply with the provisions of said section 47, but which complies with the law of its place of origin. Nothing therein contained shall prevent hotels or restaurants serving cooked lobster to guests for immediate consumption as food, from chopping lobster meat in reasonable quantities for current use, in any case an amount in excess of ten pounds shall be *prima facie* excessive unless said hotel or restaurant has, at least twenty-four hours prior to chopping up a quantity in excess of ten pounds, notified the commissioner in writing so that said lobster might be inspected by a conservation officer prior to being chopped.

9. *Equipment.* Amend section 49 of chapter 245 of the Revised Laws by striking out said section and inserting in place thereof the following: 49. *Marking Pots and Traps.* No person shall set any pot or trap for any lobster or crab without having the pot or trap and buoy attached, plainly carved or branded with his last name and initials. No person shall set pots or traps on trawls without first having obtained permission to do so by the director. No person, firm or corporation shall use or set in any tidal waters any car or other contrivance for holding or keeping lobsters or crabs without having such car or contrivance plainly marked with the last name and initials carved or branded thereon. Any pots, traps, cars or other contrivance used to catch or store lobsters or crabs in violation of any provisions hereof and any lobsters or crabs therein shall be forfeited.

10. *Penalties.* Amend section 52 of chapter 245 of the Revised Laws as amended by section 2 of chapter 278 of the Laws of 1947 by striking out said section and inserting in place thereof the following: 52. *Prohibition.* If a conservation officer shall inform a person that his boat and its contents are about to be inspected, it shall be unlawful for said person to throw overboard or destroy any fish, lobsters, crabs, shellfish or any pot, trap, car, contrivance, bag, box or other receptacle used for storing or catching lobsters or crabs, or the contents thereof, or any other article or thing, or to cut loose any article or thing which may be dragging beside said boat, prior to such inspection. If any person shall refuse to stand by for such inspection he shall be subject to arrest. Any person violating the provisions of this section shall be fined not ex-

ceeding one hundred dollars or imprisoned for not exceeding sixty days, or both, and the director shall suspend the license of such person to take lobsters and crabs for not exceeding one year.

11. *Wholesale Lobster Dealers.* Amend chapter 245 of the Revised Laws by inserting after section 53 the following new section: 53-a. *License.* No person, firm or corporation shall engage in a wholesale trade in lobsters without first having procured from the director a written license therefor. The fee for a license, designated as a wholesale lobster dealer's license, shall be twenty-five dollars and shall entitle the holder to buy and sell and transport lobsters in wholesale trade within the state and to ship the same within and outside the state. Any person, firm or corporation licensed under the provisions of this section, that maintains any facility for the buying of lobsters at any point other than his or their principal place of business, shall procure from the director for each such facility a supplemental license and the fee therefor shall be three dollars. Any person, firm or corporation that distributes lobsters or parts thereof, commercially, in bulk lots of more than fifty pounds for resale or processing and consumption by others than the purchaser, shall be classified as a wholesale dealer. Any dealer licensed under the provisions of this section, who buys lobsters in excess of fifty pounds at one time, shall record the license number of the seller and shall keep such record for one year, which record shall be available for the inspection of any conservation officer of the department.

12. *Penalty.* Amend chapter 245 of the Revised Laws by inserting after section 53-a the following new section: 53-b. *Revocation.* Persons convicted of violations of sections 53 or 53-a shall forfeit their license for not more than one year from the date of conviction, in the discretion of the director.

13. *Change in Penalties.* Amend section 56 of chapter 245 of the Revised Laws by striking out the whole of said section and inserting in place thereof the following: 56. *Penalties.* Any person who violates a provision of this subdivision shall be penalized as follows: For a violation of sections 43-a, 44, 45, 46, 46-a, 49, 50 or 53-a, a fine of not more than fifty dollars for each offense; for a violation of sections 42, 43, or 48, a fine of not more than fifty dollars or imprisonment for

not more than thirty days, or both; for a violation of section 47, a fine of five dollars and not more than five dollars additional for each lobster or parts thereof involved or imprisoned for not more than ninety days or both.

14. *Saving Clause.* Nothing herein contained shall in any manner affect the prosecution of any offenses under chapter 245 as it existed prior to the passage of this act.

15. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The bill with the amendment pending was laid upon the table to be printed.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 313 (in new draft and with new title), An act establishing a fund for the benefit of victims of hunting accidents, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

The report was accepted.

The question being on the resolution of the committee, inexpedient to legislate.

Mr. Barry of Wilton moved that the bill be referred to the Committee on Judiciary.

The question being on the motion to refer the bill to the Committee on Judiciary.

(Discussion ensued)

Mr. Fernald of Rochester spoke in favor of the bill.

On a *viva voce* vote the bill was referred to the Committee on Judiciary.

#### Taken from the Table

Mr. Sanborn of Wakefield, for the Committee on Appropriations, to whom was referred House Bill No. 87, An act relating to the establishment of a civil defense agency, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 3 of the bill by striking out the words "expenditures within the appropriation therefor, or from other

funds made available to him for purposes of civil defense, as may be necessary to carry out the purposes hereof" in the seventh, eighth, ninth and tenth lines and inserting in place thereof the words, necessary expenditures from state or federal funds as are or may be made available to him for purposes of civil defense, so that said section as amended shall read as follows:

3. *State Civil Defense Agency.* (a) There is hereby created within the adjutant general's department a "division of civil defense" (hereinafter called the state civil defense agency) and a state director of civil defense (hereinafter called the state director). The state adjutant general shall be the state director, *ex officio*. The state director may employ such technical, clerical, stenographic and other personnel, fix their compensation, and may make such necessary expenditures from state or federal funds as are or may be made available to him for purposes of civil defense. The state director and other personnel of the civil defense agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. The state director, subject to the direction of the governor, shall be the executive head of the civil defense agency and shall be responsible to the governor for carrying out the program for civil defense of the state. He shall co-ordinate the activities of all organizations for civil defense within the state, state and local, and shall maintain liason with and co-operate with civil defense agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this act as may be prescribed by the governor.

Further amend the bill by striking out section 16 and inserting in place the following:

16. *Appropriation.* For the purposes hereof, the governor is authorized to draw such sums of money as may be necessary from the emergency fund.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.



Mr. Jones of Lebanon, for the Committee on Judiciary and Education, to whom was referred House Bill No. 146, An act prohibiting the teaching of doctrines of communism or overthrow of government by force in public or private schools in the state, reported the same with the amendment as printed in the Journal of June 29, on pages 14, 15, and 16, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 49, An act relative to the bag for taking horned pout.

Senate Bill No. 123, An act relative to issuance of bonds or notes by Hampton Beach Village District.

Senate Bill No. 139, An act relative to zoning powers of the Rye Water District.

House Bill No. 329, An act amending the charter of the city of Dover.

House Bill No. 528, An act making temporary appropriations for the expenses of the State of New Hampshire for the month of July, 1949.

House Bill No. 527, An act to establish a new apportionment for the assessment of public taxes.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 185, An act relating to photographic copies of documents and records, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the figure "1" in the first line and inserting in place thereof the following:

1. *Documents and Records.* Amend chapter 392 of the Revised Laws by inserting after section 35 the following new section: 36. *Definitions.* The following words as used in section 37 shall be construed as follows:

Further amend said bill by renumbering section 2 to read 37. *Photographic Copies*.

Further amend said bill by renumbering section 3 to read section 2.

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 512, An act relative to the charter of the city of Dover.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2. *Ratification.* The election of the school committee for the city of Dover held in November, 1947, is hereby legalized, ratified and confirmed.

On motion of Mr. Stockland of Dover the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

On motion of Mr. Wadleigh of Milford the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third reading, by title, of bills, made in order at the present time, and when the House adjourns today it adjourns to meet Tuesday at 11:00 o'clock.

### Third Readings

House Bill No. 87, An act relating to the establishment of a civil defense agency.

House Bill No. 146, An act prohibiting the teaching of

doctrines of communism or overthrow of government by force in public or private schools in the state.

Severally read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 138, An act relating to highways.

Read a first time and passed, and sent to the Secretary of State to be engrossed.

On motion of Mrs. Pierre of Rochester at 11:40 o'clock the House adjourned.

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TUESDAY, JULY 5, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O Eternal God, through whose mighty power our forefathers won their liberties of old; grant, we beseech Thee, that we and all the people of this land may have grace to maintain these liberties in righteousness and peace. Make us fit custodians of the great heritage that is ours. Endue with the spirit of wisdom those to whom in Thy Name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to Thy law, we may show forth Thy praise among the nations of the earth. And hasten Thou the time when men everywhere shall seek to do Thy will. We ask it in the Name of the Prince of Peace. Amen.

### Leaves of Absence

Messrs. Evans of Lancaster and Letourneau of Somersworth were granted leaves of absence for the week on account of important business.

Messrs. Cummings of Peterborough, Sommerş of Holderness and Goodwin of Hudson were granted leaves of absence for the day on account of important business.

Messrs. Williams of Washington and Farwell of Brookline were granted leaves of absence for the week on account of illness.

Mr. Towle of Epson was granted leave of absence for the day on account of attending a funeral.

Mr. Nolan of Manchester was granted leave of absence for the week on account of illness in the family.

### Committee Reports

Mr. Tilton of Laconia, for the Committee on Appropriations, to whom was referred House Bill No. 128, An act relative to an additional appropriation for the fish and game department for an extended program of propagation, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Question being on the resolution of the committee, that it is inexpedient to legislate.

(Discussion ensued)

Mr. Fernald of Rochester spoke against the resolution of the committee.

Mr. Atherton of Nashua spoke in favor of the resolution of the committee.

On a *viva voce* vote the resolution of the committee was adopted.

### Reconsideration

Mr. Tolman of Nelson served notice that today or some subsequent day he would reconsider the vote whereby the House adopted the resolution of inexpedient to legislate, on House Bill No. 128.

Mr. Henderson of Durham, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 28, Joint resolution relative to funds for development of aeronautical facilities, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass.

Amend the caption of the joint resolution by adding at the end thereof the words, and relative to a certain private claim, so that said caption as amended shall read as follows: Joint resolution relative to funds for development of aeronautical facilities and relative to a certain private claim.

Amend the joint resolution by striking out the words "for further development of aeronautical" in the first and second lines and insert in place the words, only for the development of aeronautical safety.

Further amend the joint resolution by adding at the end thereof the following new paragraph: That the sum of thirty-two dollars and sixty-five cents (\$32.65) be appropriated to Harold T. Killeen of Walpole to compensate and reimburse him for damages caused to his car due to negligence of the Highway Department in not removing rocks from the sand in the center of the road between East Alstead and Alstead on June 9, 1949. Said sum hereby appropriated will be a charge upon the State Highway fund; so that said joint resolution as amended shall read as follows: That the sum of \$5,323.47 is hereby appropriated only for the development of aeronautical safety facilities in the state. The sum hereby appropriated shall be expended under the direction of the state aeronautics commission and the same shall be a charge upon the funds now retained in the treasury as unrefunded road toll funds.

That the sum of thirty-two dollars and sixty-five cents (\$32.65) be appropriated to Harold T. Killeen of Walpole to compensate and reimburse him for damages caused to his car due to negligence of the Highway Department in not removing rocks from the sand in the center of the road between East Alstead and Alstead on June 9, 1949. Said sum hereby appropriated will be a charge upon the State Highway Fund.

The report was accepted.

Question being on the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Jones of Lebanon called a division.

(Discussion ensued)

Messrs. Pickett of Keene, Atherton of Nashua, and Brown of Laconia spoke in favor of the amendment.

A division being had, the Speaker declared the vote to be manifestly in the affirmative, and the amendment was adopted and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 110. An act relative to employees of the fish and game department, re-

ported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by striking out the words and figure, "sections 27 and" and inserting in place thereof the word, section; further amend by striking out the word, "are" in the third line and inserting in place thereof the word, is, so that said section as amended shall read as follows:

2. *Repeal.* Section 30 of chapter 240 of the Revised Laws, relative to efficiency ratings and compensation of employees of the fish and game department, is hereby repealed.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 127, An act relative to the powers of the director of fish and game, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the words "fish or" where they occur in the fifth and sixth lines; further amend by inserting after the word, "area" in the fifth line, the words, with the consent of the commission, so that said section as amended shall read as follows:

1. *Fish and Game Director.* Amend chapter 240 of the Revised Laws by adding after section 9 the following new section: 9-a. *Power to Close Any Area.* Notwithstanding the other provisions of this chapter, the director shall have the power and authority to close any area with the consent of the commission in the state for taking game for the purpose of propagation of such game for a period not exceeding ninety days in any one calendar year.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Mr. Fernald of Rochester spoke for the amendment.

Mrs. Brungot of Berlin spoke against the amendment.

On a *viva voce* vote the amendment was adopted.

Mrs. Brungot of Berlin called for a division.

A division being had, the Speaker declared the vote to be

manifestly in the affirmative, and the amendment was adopted, and the bill ordered to a third reading.

Mr. Bunten of Concord, for the Special Committee consisting of the delegation from the city of Concord, to whom was referred Senate Bill No. 57, An act amending the charter of the city of Concord, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Tilton of Laconia, for the Special Committee consisting of the delegation from the city of Laconia, to whom was referred House Bill No. 437, An act to revise the charter of the city of Laconia to provide for council-manager form of government, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

#### **Taken from the Table**

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred House Bill No. 413, An act establishing the New Hampshire Sea and Shore Fisheries Department, reported the same with the amendment as printed in the Journal of June 30, on pages 9, 10, 11, 12, 13, 14 and 15, and the recommendation that the bill as amended ought to pass.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Holden of Hanover, for the Committee on Judiciary, to whom was referred House Bill No. 438 (in new draft), An act relative to real estate brokers and salesmen, reported the same with the amendment as printed in the Journal of June 30, on pages 3, 4, 5, 6 and 7, and the recommendation that the bill as amended ought to pass.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted.

Mr. Wilson of Antrim moved that the bill as amended be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Wilson of Antrim and Lea of Pembroke, and Mrs. Brungot of Berlin spoke in favor of the motion.

Messrs. Jones of Lebanon and Elwell of Exeter, and Mrs. Banfield of Moultonborough spoke against the motion.

Mr. Wilson of Antrim asked for a division.

A division being had, 152 members having voted in the affirmative, and 145 members having voted in the negative, the motion to indefinitely postpone prevailed.

Mr. Pickett of Keene, for the Committee on Judiciary, to whom was referred Senate Bill No. 94, An act relating to beano, reported the same with the amendment as printed in the Journal of June 30, on pages 7, 8 and 9, and the recommendation that the bill as amended ought to pass.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted.

Mrs. Atkins of Hanover moved that the bill as amended be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mesdames Atkins of Hanover and Goodwin of Hollis, and Messrs. Tracy of Amherst, English of Hancock and Reed of Goffstown spoke in favor of the motion.

Mesdames Mason and Brungot of Berlin, and Messrs. Martel, Ecker and Sullivan of Ward 6, Manchester, Pickett of Keene, Tirrell of Goffstown, Andrews of Richmond, Laraba of Portsmouth, and Spaulding of Hudson spoke against the motion.

Mr. Bell of Plymouth moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mrs. Atkins of Hanover called for a division.

A division being had, 88 members having voted in the affirmative, and 218 members having voted in the negative, the motion to indefinitely postpone did not prevail.

Mrs. Atkins of Hanover offered the following amendment.



Amend section 2 of chapter 191-A, as inserted by section 1 of the bill, by striking out said section and inserting in place thereof the following:

2. *License.* The selectmen of any town or the chief of police of any city wherein the provisions of this chapter have been adopted may issue to any charitable organization within such town or city a license to conduct games of beano on one specific day in any one calendar year under the following conditions:

I. Such license shall not be transferable.

II. All persons conducting said games shall be members of the charitable organization.

III. The prize to be paid for a single card or play under the license shall not exceed ten cents.

The question being on the amendment offered by the member from Hanover.

(Discussion ensued)

Mrs. Atkins of Hanover spoke in favor of the amendment.

Mr. Angus of Claremont spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Sawyer of Manchester offered the following amendment:

Amend the first paragraph of said section 2 by striking out in the first line the words "chief of police" and inserting in place thereof the words, board of mayor and aldermen, so that said section as amended shall read as follows:

2. *Licenses.* The selectmen of any town or the board of mayor and aldermen of any city wherein the provisions of this chapter have been adopted may issue to any charitable organization within such town or city a license to conduct games of beano on one specific day in any one calendar year under the following conditions:

The question being on the amendment offered by the member from Manchester.

(Discussion ensued)

Mr. Sawyer of Manchester spoke in favor of the amendment.

Messrs. Sullivan of Manchester, Ward 6, and Myhaver of Peterborough spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mr. Willey of Campton offered the following amendment:

Amend definition II in section 1 of the bill by striking out the word "or" in the second line and inserting after the word "organization" in the second line the words, or organization conducting agricultural fairs, so that said definition shall read as follows:

II. "Charitable organization" shall mean any *bona fide* religious, charitable, civic, veterans', fraternal organization or organization conducting agricultural fairs which shall have been in existence for at least two years and as organized presently under the laws of this state and to which contributions are exempt from federal income tax.

The question being on the amendment offered by the member from Campton.

(Discussion ensued)

Messrs. Willey of Campton, Pickett and Turner of Keene spoke in favor of the amendment.

Mrs. Mason of Berlin and Mr. Stocklan of Dover spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

Mrs. Cooper of Nashua offered the following amendment:

Amend said section 2 by inserting at the end thereof the following new paragraph:

V. No minor under the age of eighteen years shall be permitted to participate in any game of beano at any time.

The question being on the amendment offered by the member from Nashua.

(Discussion ensued)

Mrs. Cooper of Nashua spoke in favor of the amendment.

Mr. Betley of Manchester spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

The bill was ordered to a third reading.

On motion of Mr. Spaulding of Hudson the rules were so far suspended as to allow third reading and final passage

at the present time, of Senate Bill No. 94, An act relating to beano.

Read a third time and passed and sent to the Senate for concurrence in the amendment.

### Reconsideration

Mr. Spaulding of Hudson moved that the House reconsider its vote whereby the House voted to pass Senate Bill No. 94, An act relating to beano.

On a *viva voce* vote the motion did not prevail.

### Resolution

Mr. April of Manchester offered the following resolution:

RESOLUTION  
on the death of  
MRS. PETER DANIEL

*Whereas*, we have learned of the death of Mrs. Peter Daniel, mother of Paul H. Daniel, Representative from Manchester, and mother of two former Senators, Felix Daniel and Charles Daniel, therefore be it

*Resolved*, That we, the members of the House of Representatives, hereby extend our heartfelt sympathy to the family in its bereavement, and be it further

*Resolved*, That the Clerk of the House transmit a copy of these resolutions to Representative Daniel.

The resolution was unanimously adopted by a rising vote.

### Bills Engrossed

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that they had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 125, An act relating to fire resistant hallways and stairways.

House Bill No. 221, An act to authorize the construction and financing of a sewer system by the town of Meredith.

House Bill No. 335, An act relative to taking wild deer and other game animals.

House Bill No. 377, An act relative to the charter of the city of Dover.

House Bill No. 456, An act relating to hearings and awards by the labor commissioner or superior court under the workmen's compensation law.

House Bill No. 473, An act relating to appeals in municipal zoning matters.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 121, An act relating to assistant pharmacists, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act discontinuing the registration of assistant pharmacists and relating to qualifications for registration as pharmacists.

Amend section 3 of said bill by striking out the first nine lines and inserting in place thereof the following:

3. *Requirements for Registration.* Amend section 18 of chapter 256 of the Revised Laws by striking out said section and inserting in place thereof the following: 18. *Pharmacists.* An applicant for examination and registration as a pharmacist shall be a citizen of the United States, not less than twenty-one years of age, of good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university accredited as grade "A" by the American Council on Pharmaceutical Education and approved by the New Hampshire commission of pharmacy and practical chemistry, shall file proof satisfactory to the commission, substantiated by proper affidavits, of a minimum of one year of experience in a retail or

Amend section 3-a of said bill by striking out the first line and inserting in place thereof the following:

4. *Board of Pharmacy.* Amend section 33 of chapter

Further amend said bill by renumbering section 4 to read section 5.

On motion of Mr. Besse of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 479, An act relative to protection against Bang's disease, reported the same, under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the first ten lines and inserting in place thereof the following:

1. *Relating to Adult Vaccination.* Amend section 46-b of chapter 229 of the Revised Laws, as inserted by chapter 201 of the Laws of 1947, by striking out said section and inserting in place thereof the following: 46-b. *Alternate Plan.* The commissioner of agriculture may grant permission to adult-vaccinate under this alternate plan a herd seriously infected with brucellosis. If an owner is refused permission to adult-vaccinate his herd, he may appeal to the county approval board. Request to adult-vaccinate shall be made in writing to the commissioner of agriculture. The county approval board shall consist of three members in each county, two to be appointed by the commissioner of agriculture and these two to appoint a third member; all members to serve without pay or expenses at the pleasure of the commissioner and until their successor or successors shall be appointed.

Further amend section 1 of said bill by striking out the seventeenth line and inserting in place thereof the following: of the Revised Laws before any animals will be vaccinated. All non-reacting animals must

Further amend said section by striking out all after the word "herds" in the thirty-first line and inserting in place thereof the following:

Such adult-vaccinated herds shall be under strict quarantine at all times and shall be subject to test at such times as the commissioner may direct. Upon passage of this act herds operating under the provisions of section 46-b of chapter 229 of the Revised Laws, as inserted by chapter 201 of the Laws of 1947, prior to this amendment may continue under the conditions they originally accepted, but no new herds shall be allowed to start on that plan. Provided further that the provisions of section 46-c of chapter 229 of the Revised Laws, as

inserted by chapter 201 of the Laws of 1947, shall apply to the sale of milk from herds under the alternate plan provided by the amendment herein enacted as well as to herds operating under said section 46-b as originally enacted.

On motion of Mr. Elwell of Exeter the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

### Senate Message

A message, sent down from the Honorable Senate by its Clerk, announced that the Senate had voted to accede to the request of the House of Representatives for a Committee of Conference, on the following entitled bill:

House Bill No. 517, An act relative to the administration of the unemployment compensation law.

The President appointed as members of such committee, on the part of the Senate, Senators Dole and McMeekin.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

Senate Bill No. 99, An act relative to insertion of articles in the warrant for school district meeting.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives.

House Bill No. 529, An act changing the name of Nashua Building and Loan Association to Nashua Building and Loan or Cooperative Bank.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 236, An act relating to small claims.

The message also announced that the Senate had passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 136, An act relating to public utilities.

**Senate Bill Read and Referred**

Senate Bill No. 136, An act relating to public utilities.

Read a first and second time, and referred to the Committee on Judiciary.

On motion of Mr. Wadleigh of Milford, the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third reading of bills, by title, made in order at the present time.

**Third Readings**

House Bill No. 413, An act establishing the New Hampshire Sea and Shore Fisheries Department.

House Joint Resolution No. 28, Joint resolution relative to funds for development of aeronautical facilities.

Read a third time and passed, and sent to the Senate for concurrence.

Senate Bill No. 57, An act amending the charter of the city of Concord.

Read a third time and passed, and sent to the Secretary of State to be engrossed.

Senate Bill No. 110, An act relative to employees of the fish and game department.

Senate Bill No. 127, An act relative to the powers of the director of fish and game.

Severally read a third time and passed, and sent to the Senate for concurrence in the amendment.

On motion of Mr. Paquette of Nashua at 1:35 o'clock the House adjourned.

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WEDNESDAY, JULY 6, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Almighty and everlasting God, in Whom we live and move and have our being, we are grateful to Thee for Thy providence and guidance in the past, and earnestly beseech Thy directing hand in the tasks of this new day. Help us to pray as if all

depended upon Thee, and work as if all depended upon ourselves. Imprint upon our hearts such a dread of that which is wrong, and such a grateful sense of Thy goodness towards us that we shall be both ashamed of offending Thee and of bringing upon ourselves that conviction of not having done our best. We ask this in the Name of the Master. Amen.

(Mr. Turner of Keene in Chair)

### Leaves of Absence

Messrs. Stocklan of Dover, Besse of Concord and Wilson of Antrim were granted leave of absence for the day on account of important business.

Mr. Wedick of Manchester was granted leave of absence for the day on account of illness.

### Introduction of Bill

The following bill was read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Bill No. 531, An act relating to the Portsmouth-Seabrook Toll Road. To the Committee on Appropriations.

### Committee Reports

Mr. Hinman of Stratford, for the Committee on Judiciary, to whom was referred House Bill No. 313, (in new draft and with new title, An act establishing a fund for the benefit of victims of hunting accidents, reported the same with the following resolution,

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Dwinell of Lebanon, for the Committee on Ways and Means, to whom was referred House Bill No. 219, An act relating to the taxation of legacies and successions, reported the same in new draft and with new title with the recommendation that the bill, in its new draft and with its new title, be recommitted to the Committee on Ways and Means.

The report was accepted.



The bill was read a first and second time, laid upon the table to be printed, and recommitted to the Committee on Ways and Means.

Mr. Sullivan of Manchester, Ward 7, for the Special Committee consisting of the delegation from the city of Manchester, to whom was referred House Bill No. 425, An act relative to capital reserves for the city of Manchester, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by inserting after section 1 the following new section: 2. The City of Manchester, subject to the approval of the board of mayor and aldermen, is hereby empowered to conduct an annual Christmas charitable lottery under direct supervision of the mayor and commissioner of charities. The board of aldermen shall make all rules and regulations to govern said lottery provided same is not inconsistent with the following: Lottery tickets shall sell for cash at one dollar each. No lottery tickets or correspondence shall be forwarded by United States mail. Drawing of prizes for holders of lucky lottery ticket shall be held Christmas Eve, December 24. Profits from lottery shall be deposited with the city treasurer as a reserve fund to be appropriated to the commissioner of charities department for financial assistance to help the sick, the poor, the deaf, the dumb, the blind, the deformed, and others in dire need of assistance.

Further amend said bill by renumbering section 2 to read section 3.

The question being on the amendment.

(Discussion ensued)

Mr. Sullivan of Manchester spoke in favor of the amendment.

Mr. Sawyer of Manchester spoke against the amendment.

On a *viva voce* vote the amendment was not adopted, and the bill was ordered to a third reading.

### Reconsideration

Mr. Angus of Claremont moved to reconsider the vote whereby the House ordered House Bill No. 425, An act relative to capital reserves for the city of Manchester to a third reading.

The question being on the motion to reconsider.

(Discussion ensued)

Mr. Pickett of Keene spoke in favor of the motion.

Mr. Sawyer of Manchester spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mr. O'Brien of Manchester asked for a division.

A division being had, 127 members having voted in the affirmative and 162 members having voted in the negative, the motion to reconsider did not prevail.

Mr. Gauthier of Manchester demanded the yeas and nays but subsequently withdrew his demand.

### Engrossed Bills

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported they had examined and found correctly engrossed the following entitled bills:

House Bill No. 512, An act relative to the charter of the City of Dover.

House Bill No. 529, An act changing the name Nashua Building and Loan Association to Nashua Building and Loan or Cooperative Bank.

The report was accepted.

### Senate Message

A message sent down from the Honorable Senate, by its Clerk, announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 412 (in new draft), An act relative to the state board of fire control.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following entitled bill:

House Bill No. 185, An act relating to photographic copies of documents and records.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amend-

ments the Senate asked the concurrence of the House of Representatives:

House Bill No. 525, An act to legalize proceedings of certain towns, school districts and county delegations, and to authorize other municipal action.

Amend said bill by inserting after section 13 the following new sections:

14. *Gilford School District.* All votes and proceedings of the Gilford school district taken at the annual meeting of March 12, 1949, and adjournments thereof held June 4, 5 and 6, 1949, relative to borrowing the sum of ten thousand dollars for the school heating plant, are hereby legalized, ratified and confirmed.

15. *Manchester Savings Bank.* Amend section 3 of an act approved July 8, 1846 being the charter of the Manchester Savings Bank and being known as chapter 404 of the Laws of 1846, by striking out after the word "affairs" the words, "provided such real estate, held at any one time for the said purpose, shall not have exceeded in value, at the time of the purchase or acceptance thereof by said corporation, the sum of six thousand dollars," and by striking out after the word "incurred" the words, "provided, that the real estate so holden shall not at any one time exceed in value the sum of fifteen thousand dollars," so that said section as amended shall read as follows: Sect. 3. Said corporation shall be capable of receiving and holding such buildings and real estate as shall be necessary and convenient for managing its affairs. And the said corporation shall be further able to take, hold and dispose of any real estate whatever which may be *bona fide* mortgaged or pledged for the security of its loans or debts due to it, or which may be *bona fide* conveyed to or taken by said corporation, in satisfaction or discharge of debts, demands or liabilities which have been previously contracted or incurred.

16. *Rollinsford School District.* The following homestead farms in the town of Rollinsford now annexed to the city of Dover for school purposes are severed from said city of Dover and annexed to the town of Rollinsford for school purposes:

I. The homestead farm of Edward F. Thompson.

II. The homestead farm of Charles W. Rollins.

III. The homestead farm of Charles C. Hayes.

Chapter 176 of the Laws of 1889, chapter 2259 of the Laws of 1859 approved June 24, 1859 and chapter 213 of the Laws of 1921 are hereby repealed.

17. *New Ipswich School District.* The votes and proceedings of the New Ipswich School District at the annual meeting on March 8, 1949 and the adjournment thereof on March 22, 1949, relative to the issuance of serial notes or bonds to an amount not exceeding twenty-five thousand dollars (\$25,000) for the purpose of constructing and equipping a two-room addition to the present elementary school building, and the authority of the school board to fix the time and place of payment and the rate of interest of such bonds, and to arrange the sale thereof, are hereby legalized, ratified and confirmed.

18. *City of Dover.* The city of Dover is hereby authorized and empowered to issue its serial bonds or notes for the purpose of construction of new school buildings or for the alterations of present structures, or for the enlargement and improvement of existing school facilities to an amount not exceeding five per cent of the latest assessed valuation of the taxable property of said city. The city of Dover shall not take any action under the authority of this section after December 31, 1951, provided that this limitation shall not affect the validity of any bonds or notes issued under the authority of said section prior to said date. In addition to the authorization for borrowing by said city of Dover provided for in this section, said city shall not incur debt to an amount exceeding three per cent of its last assessed valuation.

Further amend said bill by renumbering section 14 to read section 19.

On motion of Mr. Laraba of Portsmouth the House voted to non-concur in the Senate amendment and asked for a Committee of Conference.

The Speaker appointed as members of such committee on part of the House Messrs. Laraba of Portsmouth, Thompson of Laconia and Mrs. McPhail of Manchester.

### Resolutions

Mrs. Dondero of Portsmouth offered the following resolution:

#### Resolutions on the birthday of CLARA A. LAZURE

*Whereas*, today is the birthday of Mrs. Clara A. Lazure, Representative from Berlin for several sessions, therefore be it

*Resolved*, That we, the members of the House of Representatives, hereby extend to our fellow member our heatiest congratulations and best wishes for a Happy Birthday today and many years to come.

On a *viva voce* vote the resolution was adopted.

Mr. Lea of Pembroke offered the following resolution:

*Resolved*: That the Special Committee consisting of the delegation from the County of Merrimack be discharged from further consideration of House Bill No. 255, An act dividing Merrimack County into commissioner districts, and that the bill be made a special order for Tuesday, July 12 at 11:01 o'clock.

The question being on the resolution offered by the member from Pembroke.

(Discussion ensued)

Mr. Lea of Pembroke spoke in favor of the resolution.

Mr. Connor of Henniker spoke against the resolution.

On a *viva voce* vote the resolution was not adopted.

Mr. Lea of Pembroke asked for a division.

A division being had, 154 members having voted in the affirmative, and 89 members having voted in the negative, and less than two thirds of the members being present and voting, and less than two thirds of those present and voting having voted one way the resolution was not adopted.

Mr. Angus of Claremont moved to reconsider the vote whereby the House voted not to adopt the resolution offered by the member from Pembroke.

On a *viva voce* vote the motion to reconsider prevailed.

The question being on the resolution offered by the member from Pembroke.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Wadleigh of Milford, the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third reading of bills, by title, made in order at the present time.

### Third Readings

House Bill No. 425, An act relative to capital reserves for the city of Manchester.

Read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Laraba of Portsmouth at 12:15 o'clock the House adjourned.

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THURSDAY, JULY 7, 1949

The House met according to adjournment.

Prayer was offered by Rev. Vernon Lee Phillips of the Francestown Federated Church.

Eternal and ever blessed God, our Heavenly Father, we come into Thy holy presence, and we ask Thy guidance and Thy wisdom for this day. Grant that these, Thy servants, in the affairs of state may be blessed today with Thy wisdom and fortitude, that in all the labors of the day they may do Thy holy will. Grant, we beseech Thee, that all Thy children here present may know and do Thy holy will. Bless our state and all its peoples, that the truth of God may abide with all of us, and Thy will be done among us as it is in Heaven. We pray for all the peoples of the world and those who are given the responsibility of governing over them.

Especially do we pray for the Governor of this State and the members of this Legislature, severally and individually, the President of the United States and those associated with them in responsibility, that the holy and blessed will of God may be accomplished through their efforts. This we pray, in Thy Holy Word. Amen.

### Leaves of Absence

Messrs. Sommers of Holderness, Eldredge and Elwell of Exeter were granted leave of absence for the day on account of important business.

### Committee Reports

Mr. Sanborn of Wakefield, for the Committee on Appropriations, to whom was referred House Bill No. 514, An act relative to indemnity for condemned domestic animals, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Daniels of Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 111, An act relative to air pollution, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 3 of the bill by striking out all after the word "pay" in the second line so that said section as amended shall read as follows: 3. *Compensation*. The members of said committee shall serve without pay.

Further amend the bill by striking out section 4 and renumbering section 5 to read section 4.

The question being on the amendment.

(Discussion ensued)

Messrs. Sawyer of Manchester and Angus of Claremont spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 114, An act relative to fishing and hunting licenses, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out sections 1 and 2 and inserting in place thereof the following:

1. *Fishing Licenses*. Amend section 6 of chapter 247 of the Revised Laws by inserting after paragraph I the follow-

ing new paragraph: I-a. If the applicant is a resident of this state and wishes to take fresh water fish or salt water smelt only, two dollars and seventy-five cents, and the agent shall thereupon issue a resident fishing license which shall entitle the licensee to kill and take and to transport fish and salt water smelt, under the restrictions of this title.

Further amend said bill by renumbering section 3 to read section 2.

The report was accepted and the amendment adopted.

Mr. Blake of Swanzey offered the following amendment:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Licenses.* Amend section 6 of chapter 247 of the Revised Laws by inserting after paragraph I the following new paragraphs: I-a. If the applicant is a resident of this state and wishes to fish only, two dollars and twenty-five cents, and the agent shall thereupon issue a resident fishing license which shall entitle the licensee to kill and take and to transport fish and salt water smelt, under the restrictions of this title. I-b. If the applicant is a resident of this state and wishes to hunt only, two dollars and twenty-five cents, and the agent shall thereupon issue a resident hunting license, which shall entitle the licensee to hunt, shoot, kill or take except by the use of traps, and to transport game birds, and game animals under the restrictions of this title.

2. *Takes Effect.* This act shall take effect January 1, 1950.

The question being on the amendment offered by the member from Swanzey.

(Discussion ensued)

Messrs. Blake of Swanzey and Marden of Chichester spoke in favor of the amendment.

Messrs. Zimmerman of Keene, Whittier of Bethlehem and Sanborn of Wakefield spoke against the amendment.

On a *viva voce* vote the Chair was in doubt.

The Chair asked for a division.

A division being had, 150 members having voted in the affirmative and 145 members having voted in the negative,



the amendment was adopted, and the bill ordered to a third reading.

On motion of Mr. Blake of Swanzev the rules of the House were suspended to allow third reading and final passage, of the above entitled bill, at the present time.

The bill was read a third time and passed, and sent to the Senate for concurrence in the amendment.

### Reconsideration

Mr. Blake of Swanzev moved that the vote whereby the House passed Senate Bill No. 114, An act relative to hunting and fishing licenses be reconsidered.

On a *viva voce* vote the motion to reconsider did not prevail.

Mr. Shedd of New Boston, for the Committee on Fisheries and Game, to whom was referred Senate Bill No. 134, An act relative to bounties on porcupines, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mrs. Mason of Berlin, for the Committee on Judiciary, to whom was referred House Bill No. 450, An act relating to outdoor advertising, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Outdoor Advertising.* Amend the Revised Laws by inserting after chapter 114 the following new chapter:

### Chapter 114-A

#### 1. *Defined Definitions.*

I. The words "outdoor advertising display," as used in this chapter shall mean and include the erection, maintenance, pasting, painting and posting of any advertisements or signs out of doors, or the erection or maintenance of any billboard or other structure designed and intended for the display of advertising matter where the same may be seen by the public traveling on any class I or II highways of this state, or allow-

ing any such advertisement, billboard or other structure erected or displayed either before or after the effective date of this chapter to remain exposed in whole or in part to the public view on said highways.

II. The "commission" shall mean the state outdoor advertising commission.

2. *Outdoor Advertising Commission.* There shall be a state outdoor advertising commission consisting of five members. The members shall be the director of the state planning and development commission, the superintendent of state police and three members appointed by the governor with the advice and consent of the council. One of the three members so appointed by the governor shall be engaged in the business of outdoor advertising for direct profit. The three members who are appointed by the governor with the advice and consent of the council shall be made one member for one year, one member for two years and one member for three years. One member of the commission shall be designated as chairman thereof by the governor. The superintendent of state police shall serve as clerk of the commission.

3. *Vacancies, Tenure and Compensation.* In case of a vacancy occurring by death, resignation or otherwise, it shall be filled by appointment for the unexpired term by the governor and council as provided in section 2. The members of said commission shall serve until their successors are appointed and qualified. The members of the said commission shall serve without compensation but shall receive their legitimate expense incurred in the performance of their duties.

4. *Powers.* The commission is hereby authorized to employ clerical or other assistants required for the administration of this chapter and fix their compensation, provided, however, that such employment and such compensation shall be approved by the governor and council; to make contracts and employ assistants necessary to carry out the provisions of this chapter; members of the commission or their authorized agents may enter upon private property for the purposes of viewing any outdoor advertising display concerning which a complaint is made or to carry out the provisions of sections 6 and 7 of this chapter.

5. *Procedures.* Any interested person may file with the commission his complaint and objection to any outdoor ad-

vertising structure, device or display, and shall file with the commission his evidence in support of his complaint. Upon receipt of such complaint, which in the opinion and discretion of the commission justifies the holding of a hearing, the commission may hold a hearing after notifying all interested persons, including the owners, of the time and place of hearing, which hearing shall be held within a reasonable time. After the completion of the hearing the commission may make such orders as may be deemed suitable in the premises. If after hearing and order the owner of such structure, device or display does not comply with such order, and thereby fails to correct the conditions causing the objection, within the time set by the commission, the provisions of section 7 hereof shall apply.

6. *Maintenance of Displays.* Subsequent to the effective date of this chapter, each outdoor advertising display shall be substantially built, well and neatly painted or enamelled, pasted or posted, and kept in good repair. When, in the opinion of the commission, any outdoor advertising display is defective and unsightly by reason of lack of paint, maintenance or repair, said commission shall notify the owner of said display in writing by registered mail, return receipt requested, to either repair or repaint the said display within thirty days of receipt of such notice. In the event that such owner fails to comply with such notice within the said thirty days, the commission may on its own motion order a hearing and make an order as provided in section 5.

7. *Removal of Structure.* If after due hearing as provided in section 5 the orders of the commission shall not be complied with, the commission may order said outdoor advertising display to be removed, and if said order shall not be complied with within thirty days thereafter, the commission may remove said display, or cause the same to be removed and may recover the expenses of such removal from the owner of the display as removed in an action at law brought in the name of the State of New Hampshire.

8. *Destruction or Disposition of Displays.* A display removed as provided in section 7 hereof shall be held by the commission for a period of thirty days. If the owner of such display does not claim and remove said display from the custody of said commission within the said thirty days, the

said commission may destroy or make other disposition of said display. Nothing herein shall be construed to oblige the said commission to remove said display without dismantling the same.

2. *Appropriation.* For the purpose of carrying out the provisions hereof, the sum of five hundred dollars is hereby appropriated for each of the fiscal years ending June 30, 1950 and June 30, 1951. The sum hereby appropriated shall be expended under the direction of the commission.

3. *Takes Effect.* This act shall take effect September 1, 1949.

The undersigned, a minority of the Committee on Judiciary, to whom was referred House Bill No. 450, (in new draft), An act relating to outdoor advertising, having considered the same, and being unable to agree with the majority, reported the same with the following resolution:

*Resolved,* That it is inexpedient to legislate.

CHARLES A. HOLDEN,  
HENRY P. SULLIVAN,  
EDITH D. BANFIELD,  
KENNETH HAMBLETON,  
LAURENCE M. PICKETT,  
HILDA C. F. BRUNGOT,  
FRED S. JONES.

The reports were accepted, and the amendment was laid upon the table to be printed under Rule 48.

Mr. Pickett of Keene moved that the bill with reports pending, be indefinitely postponed.

### Speaker's Ruling

The Chair rules that the motion of the member from Keene is not in order. Rule 48 is mandatory in its provision that a material amendment shall be laid upon the table for printing in the Journal. The bill with amendment pending was laid on the table under Rule 48 before the member from Keene made his motion.

Mr. Pickett of Keene moved that the rules of the House be so far suspended as to dispense with tabling the bill and printing of the amendment under Rule 48.

The question being on the motion offered by the member from Keene.

(Discussion ensued)

Messrs. Pickett of Keene, Angus of Claremont and Gouin of Dover spoke in favor of the motion.

Messrs. Laraba of Portsmouth, Turner of Keene, Henderson of Durham, Myhaver of Peterborough and Spalding of Hudson spoke against the motion.

Mr. Pickett of Keene then withdrew his motion.

### **Special Order**

On motion of Mr. Turner of Keene House Bill No. 450 was laid upon the table, and made a special order for Wednesday, July 13, at 11:01 o'clock.

Mr. Tilton of Laconia, for the Special Committee consisting of the delegation from the city of Laconia, to whom was referred House Bill No. 526, An act relative to the salary of the city clerk of Laconia, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### **Resolutions**

Mr. Sawyer of Manchester offered the following resolution:

#### **Resolution Pertaining to the Manchester Water Works**

*Whereas*, Seventy-five years ago the legislature of this state created the Manchester Water Works,

*Whereas*, The Manchester Water Works is now celebrating its seventy-fifth anniversary,

*Whereas*, The Manchester Water Works is free of any debt, and its rates are comparable to any other city in the country and lower than most, and its water is known throughout the country for its purity and quality and its supply, storage and distribution has received commendation from the National Board of Fire Underwriters,

• *Be It Resolved*, That this House is well pleased with the results of its confidence in the people of Manchester to create

and maintain a Water Works and commends the Board of Water Commissioners for its industry, efficiency and excellent record,

*Be It Further Resolved*, That copies of this resolution be transmitted to the people of Manchester through its Board of Mayor and Aldermen and to the Board of Water Commissioners.

On a *viva voce* vote the resolution was adopted.

Mr. Converse of Pittsburgh offered the following resolution:

**Resolutions**  
**on the birthday of**  
**LAURENCE M. PICKETT**

*Whereas*, today, July 7, 1949, is the forty-fourth birthday of the Honorable Laurence M. "Larry" Pickett, Representative from Keene for several sessions, former Minority Leader of the House of Representatives for several sessions, silver tongued orator of the Legislature, vocalist and emcee extraordinary at the weekly Legislative dances, therefore be it

*Resolved*, That we, the members of the House of Representatives of the New Hampshire Legislature, hereby extend to our fellow member our heartiest congratulations on his attaining this memorable birthday, our admiration of his accomplishments and his successful service for his city and state, and express to him our greetings and best wishes for a Happy Birthday today and many more years to come, and be it further

*Resolved*, That the Clerk of the House transmit to "Larry" a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

**Engrossed Bills**

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 138, An act relating to highways, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Uniform Application of Certain Parts of the Highway Law.* The provisions of parts 24 and 25 of chapter 90 of the Revised Laws as inserted by chapter 188

On motion of Mr. Ingham of Winchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence in the amendment.

### Senate Message

A message sent down from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 505, An act to regulate the speed of motor vehicles on public highways, and to define the word "dealer" under the motor vehicle laws.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

Senate Bill No. 121, An act relating to assistant pharmacists.

House Bill No. 479, An act relative to protection against Bang's disease.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills:

Senate Bill No. 94, An act relating to beano.

Senate Bill No. 110, An act relative to employees of the fish and game department.

Senate Bill No. 127, An act relative to the powers of the director of fish and game.

The message further announced that the Senate refuses to concur with the House of Representatives in the passage of the following entitled joint resolution sent up from the House of Representatives:

House Joint Resolution No. 27, Joint resolution directing

the state planning and development commission to continue the study of problems of the smaller communities.

The message also announced that the Senate concurs with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No. 361, (in new draft and new title), An act relative to fees for special permits to move objects or vehicles and loads.

Amend section 1 of said bill by inserting after paragraph III the following new paragraphs:

IV. Provided further that a special annual permit may be issued to a person to cover all types of moves for a fee of one hundred dollars for each unit. Each permit issued under the provisions of this paragraph shall be issued for one year.

V. The provisions of this section shall not apply to any special permit authorized by section 37-b issued for farm equipment.

On motion of Mr. Myhaver of Peterborough the House concurred in the adoption of the amendments, sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

On motion of Mr. Wadleigh of Milford the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third readings, by title, of bills, made in order at the present time, and when the House adjourns today it adjourns to meet Tuesday at 11:00 o'clock.

### Third Readings

House Bill No. 111, An act relative to control of air pollution.

House Bill No. 514, An act relative to indemnity for condemned domestic animals.

House Bill No. 526, An act relative to the salary of the city clerk of Laconia.

Severally read a third time and passed and sent to the Senate for concurrence.



Senate Bill No. 134, An act relative to bounties on porcupines.

Read a third time and passed and sent to the Secretary of State to be engrossed.

(Mr. Barry of Wilton in Chair)

Mr. Laraba of Portsmouth recognized for the following statement:

"I will ask that the members who arranged the Testimonial last night in the state armory for our Speaker, Richard F. Upton, step to the well of the House.

*Mr. Speaker:*

I think that all of us who serve in this House at one time or another have experienced the assignment of attempting to arrange a testimonial or party of the magnitude of the one which we all so much enjoyed last night which was given in behalf of our Speaker. I know that they are cognizant of the great amount of detail necessary to have such an affair properly and efficiently handled. Therefore, Mr. Speaker, I take this opportunity and I know that I bespeak for each and every member of this House their sincere appreciation for the work done by this able group in planning and directing the last night's great testimonial. So, Mr. Speaker, at this time I move you that this committee be given a rising vote of thanks by the membership of this House for a splendid job splendidly done."

On motion of Mr. Rolfe of Rochester at 12:16 o'clock the House adjourned.

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TUESDAY, JULY 12, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, who in Thy Son Jesus Christ didst incarnate the great principles Thou wished to give to the world, help us, weak human beings though we are, to more fully understand that it is our duty to clothe these great basic truths in flesh and blood. Make our trust in Thee a living trust, our much

vaunted courage something more than words when called upon to take a stand for the right, our talk of freedom and democracy something to be lived and practiced in daily life. Help us our God, to live these principles that have made and preserved us a nation and are our only hope for the future. Through Jesus Christ our Lord. Amen.

### Leaves of Absence

Messrs. Farwell of Brookline and Sommers of Holderness were granted leaves of absence for the day on account of illness.

Mr. Goodwin of Hudson was granted leave of absence for the day on account of important business.

Mr. Corbett of Concord was granted leave of absence for the week on account of illness.

Mr. Peever of Salem was granted leave of absence for the week on account of important business.

Messrs. Walker of Hinsdale and Ingham of Winchester were granted leaves of absence for the day on account of attending a funeral.

### Resolution

Messrs. Sanborn of Wakefield and Sullivan of Ward 6, Manchester, offered the following resolution:

*Resolved*, That the House of Representatives heartily endorses the United States Opportunity Bond Drive in New Hampshire,

*Further Resolved*, That we urge people in the State to support the Drive by purchasing bonds, which the House believes is America's best buy, to the end that New Hampshire will go over its quota and take its rightful place with other great states,

*Further Resolved*, That attention be called to Friday, July 15th next which is designated as B-Day in this Drive,

*Further Resolved*, That the House invite Hon. Howard W. Northridge, a volunteer representative of the U. S. Treasury on this Drive, to address the House for three minutes at this time.

On a *viva voce* vote the resolution was adopted.

### Introduced to House

Hon. Howard W. Northridge was introduced to the House and addressed the House.

### Committee Reports

Mr. Henderson of Durham, for the Committee on Appropriations, to whom was referred House Bill No. 216, An act to provide a central depository for state deeds, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mr. Boynton of Hillsborough, for the Committee on Appropriations, to whom was referred House Bill No. 440, An act relative to personnel of the attorney general's department and the public service commission, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted, and the resolution of the committee adopted.

Mrs. Greene of Concord, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 21, Joint resolution reimbursing certain towns for forest fire expenses, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass:

Amend the joint resolution by striking out the figures "\$108.00" in the fifth line and inserting in place the figures, \$116.00, so that said resolution as amended shall read as follows: That the sum of \$1,321.67 is hereby appropriated to reimburse the following towns in the following amounts for expenses incurred on account of accidents for forest fires in said towns October, 1947 and August, 1948: Ashland, \$109.42; Effingham, \$618.00; Farmington, \$175.75; Newbury, \$10.00; Plymouth, \$220.00; Wakefield, \$72.50; Walpole, \$116.00. The governor is authorized to draw his warrant for the sums hereinbefore appropriated out of any money in the treasury not otherwise provided.

The report was accepted, and the joint resolution ordered to a third reading.

Mr. Tilton of Laconia, for the Committee on Appropriations, to whom was referred Senate Bill No. 91, An act relative to expenditures by the highway department, reported the same with the recommendation that the bill be referred to the Commission on Reorganization.

The report was accepted.

The question being on the recommendation of the committee.

On a *viva voce* vote the resolution of the committee was adopted.

### Reconsideration

Mr. Ferguson of Pittsfield moved that the House reconsider the vote whereby it voted to adopt the recommendation of the committee.

The question being on the motion of Mr. Ferguson.

(Discussion ensued)

Messrs. Sullivan, Ward 6, Manchester, Wadleigh of Milford and Spaulding of Hudson, spoke in favor of the motion.

Messrs. Sanborn of Wakefield, Atherton of Nashua, Turner of Keene and Barry of Wilton, spoke against the motion.

Mr. Sullivan, Ward 6, Manchester, asked for a division.

A division being had, 84 members having voted in the affirmative, and 203 members having voted in the negative, the motion to reconsider, that the bill referred to the Reorganization Commission, did not prevail,

Mr. Moffett of Berlin, for the Committee on Executive Departments and Administration, to whom was referred Senate Bill No. 75, An act providing for a people's counsel connected with the public service commission, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted.

Mr. Spaulding of Hudson moved that the words, ought to pass, be substituted for the words, inexpedient to legislate.

The question being on the motion to substitute.

(Discussion ensued)

Messrs. Spaulding of Hudson and Pickett of Keene, spoke in favor of the motion.

Messrs. Sanborn of Wakefield, Rathbone of Exeter, Hill of Conway, Myhaver of Peterborough and Johnson of Northwood, spoke against the motion.

Mr. Moffett of Berlin asked for a division.

A division being called for the vote was declared manifestly in the negative, and the motion to substitute did not prevail.

The question being on the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the resolution of the committee was adopted.

### Reconsideration

Mr. Myhaver of Peterborough moved that the House reconsider the vote whereby it adopted the resolution of the committee, inexpedient to legislate, on Senate Bill No. 75.

On a *viva voce* vote the motion did not prevail.

Mr. Adams of Greenfield, for the Committee on Mileage, to whom was referred House Bill No. 530, An act to establish a standard mileage table for the general court, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 1 of the bill as follows:

In the column "Number of miles to be allowed":

Rockingham County, town of Londonderry, strike out the figure "28" and insert in place thereof the figure, 29.

Strafford County, city of Rochester, Ward 1, strike out the figure "37" and insert in place thereof the figure, 40.

Carroll County, town of Bartlett, strike out the figure "88" and insert in place thereof the figure, 91.

Hillsborough County, town of Amherst, strike out the figure "30" and insert in place thereof the figure, 32.

Cheshire County, town of Harrisville, strike out the figure "60" and insert in place thereof the figure, 55; town of Richmond, strike out the figure "74" and insert in place thereof the figure, 68.

Sullivan County, town of Croydon, strike out the figure "48" and insert in place thereof the figure, 50; town of Lempster, strike out the figure "46" and insert in place thereof

the figure, 54; town of Springfield, strike out the figure "58.5" and insert in place thereof the figure, 45; town of Sunapee, strike out the figure "40" and insert in place thereof the figure, 45.

Grafton County, town of Littleton, strike out the figure "97" and insert in place thereof the figure, 100.

Coos County, town of Berlin, strike out the figure "118" and insert in place thereof the figure, 120.

Merrimack County, Concord, Ward 4, strike out the figure "3" and insert in place thereof the figure, 2; Concord, Ward 9, strike out the figure "2" and insert in place thereof the figure, 3.

The report was accepted.

The bill, with the amendment pending, was laid upon the table to be printed, under Rule No. 48.

Mr. Malley of Somersworth, for the Committee on Ways and Means, to whom was referred House Bill No. 219, (in new draft and with new title), An act relative to determination of value of annuities or life estates to the inheritance tax law, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

### Communication

The following letter was read by the Speaker:

HONORABLE RICHARD F. UPTON

Speaker of the House,  
House of Representatives,  
Concord, New Hampshire.

*Dear Mr. Upton:*

The State Planning and Development Commission is pleased to submit herewith a copy of the report, "A Study of the Shoreline of Lake Winnepesaukee," as required by the directive made to this commission by the 1947 session of the General Court.

Copies of the report are available to any representative at the commission office.

Respectfully yours,

EDWARD ELLINGWOOD,  
*Executive Director.*

### Special Order

Mr. Lea of Pembroke called for the special order, it being, House Bill No. 255, An act dividing Merrimack County into commissioner districts.

Mr. Ferguson of Pittsfield offered the following amendment:

Amend sections 2 and 3 of the bill by striking out the same and inserting in place thereof the following:

2. *Merrimack Commissioner Districts.* Amend section 14 of chapter 45 of the Revised Laws, as amended by section 2, chapter 181 of the Laws of 1945, by adding after paragraph VI the following new paragraph: VII. Merrimack: District 1. Concord; District 2. Andover, Boscawen, Canterbury, Chichester, Danbury, Franklin, Hill, Loudon, New London, Northfield, Salisbury, Webster and Wilmot; District 3. Allenstown, Bow, Bradford, Dunbarton, Epsom, Henniker, Hooksett, Hopkinton, Newbury, Pembroke, Pittsfield, Sutton and Warner.

3. *Takes Effect.* This act shall take effect upon its passage.

The question being on the amendment.

(Discussion ensued)

Messrs. Ferguson of Pittsfield and Lea of Pembroke spoke in favor of the amendment.

Mr. Connor of Henniker moved that the bill and amendment be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Connor of Henniker and Tilton of Concord spoke in favor of the motion.

On a *viva voce* vote the motion to indefinitely postpone did not prevail.

The question being on the amendment.

Mr. Suosso of Concord moved that the bill and amendment be recommitted to the Merrimack Delegation.

The question being on the motion to recommit.

(Discussion ensued)

Messrs. Suosso of Concord, Connor of Henniker and Ferguson of Pittsfield spoke in favor of the motion.

Mr. Lea of Pembroke spoke against the motion.

On a *viva voce* vote the motion to recommit did not prevail.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Lea of Pembroke moved that the rules be suspended, and the bill be put upon its third reading, by title, and final passage at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed, and sent to the Senate for concurrence.

### Reconsideration

Mr. Lea of Pembroke moved that the House reconsider the vote whereby it passed House Bill No. 255.

On a *viva voce* vote the motion to reconsider did not prevail.

### Resolutions

Mr. Paquette of Nashua offered the following resolution :

*Whereas*, one of our members, Octave J. Goulet, Representative from Nashua, has been removed by death, and

*Whereas*, Representative Goulet was a former member of the House for two sessions and was a former employee of the Public Works Department from Nashua and of the Navy Yard, therefore be it

*Resolved*, That we pay tribute to our fellow member for his long time of faithful service to his city and state, and be it further

*Resolved*, That we, the members of the House of Representatives of the New Hampshire Legislature, extend our heartfelt sympathy to his family in its bereavement, that the Speaker appoint a delegation to attend the funeral services and the Clerk procure a floral tribute, and be it further



*Resolved*, That the Clerk transmit a copy of these resolutions to the widow, Mrs. Goulet.

LOUIS W. PAQUETTE,  
*Chairman*  
MABEL THOMPSON COOPER,  
*Clerk*  
*Nashua Delegation.*

The resolution was unanimously adopted by a rising vote.

Mr. Barry of Wilton offered the following resolution:

*Whereas*, we have learned of the death of former United States Senator Henry French Hollis, of Concord, and

*Whereas*, Senator Hollis served in Europe as a member of the United States War Department Liquidation Commission to which he had been appointed by President Woodrow Wilson and received awards from the French, Polish and Serbian governments for his services to those countries in the years after World War I, therefore be it

*Resolved*, That we, the members of the House of Representatives of the New Hampshire Legislature, pay tribute to our fellow countryman for his services to his city, state, country and fellowmen, and that we extend our heartfelt sympathy to the family in its bereavement, and be it further

*Resolved*, that the Clerk transmit a copy of these resolutions to Senator Hollis' brother, Allen Hollis.

On a *viva voce* vote the resolution was adopted.

Mrs. Dondero of Portsmouth offered the following resolution:

*Whereas*, we have learned of the passing of Abbie H. Robertson, former Representative from Hinsdale, for six consecutive sessions, prominent in civic and political affairs, including her service as State President of The Order of Women Legislators, therefore be it

*Resolved*, That we, the members of the House of Representatives of the New Hampshire Legislature, pay tribute to our former fellow member for her service to her town and state, for her cheerfulness and friendliness and her ever-ready willingness to be of help to others, and be it further

*Resolved*, That we extend our heartfelt sympathy to her

family in its bereavement and that the Clerk of the House transmit a copy of these resolutions to her widower, George B. Robertson.

The resolution was unanimously adopted by a rising vote.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 57, An act amending the charter of the city of Concord.

Senate Bill No. 121, An act discontinuing the registration of assistant pharmacists and relating to qualifications for registration as pharmacists.

House Bill No. 185, An act relating to photographic copies of documents and records.

House Bill No. 479, An act relative to protection against Bang's Disease.

House Bill No. 505, An act to regulate the speed of motor vehicles on public highways and to define the word "dealer" under the motor vehicle laws.

The report was adopted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to reconsider its vote whereby it adopted the report of, inexpedient to legislate, on House Joint Resolution No. 27, Joint resolution directing the state planning and development commission to continue the study of the problems of the smaller communities.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 175, An act relating to the distribution, sale or transportation of insecticides, fungicides, rodenticides, and other economic poisons.

Amend section 5, fees, page 12, by striking out such section and inserting in place thereof the following: "The registrant shall pay an annual fee of \$10.00 for each economic

poison registered, such fee to be deposited to the credit of a special fund not exceeding \$3,000.00 annually, to be used only for carrying out the provisions thereof. Provided, however, that any registrant may register annually any number of brands after the payment of annual fees aggregating \$100.00."

On motion of Mr. Bunten of Concord the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 308, An act relating to diseases of domestic animals.

Amend section 1 of the bill by striking out the word "five" in the seventh and nineteenth lines of said section and substituting therefor the word, ten; so that said section as amended shall read as follows:

1. *Payments.* Amend section 57 of chapter 229 of the Revised Laws by striking out the words "twenty-five" in the fourth line and inserting in place thereof the word, fifty; further amend by striking out the word "fifty" in the fifth line and inserting in place thereof the words, seventy-five; and further amend by adding at the end thereof the words, provided however that payment shall not be paid to any owner of bovine animals as a result of any subsequent test for brucellosis, if, on such subsequent test, ten per cent or more herd infection is revealed, unless or until said owner makes application as specified under section 46-a of this chapter for vaccination of all bovine animals owned by him between the ages of six and eight months, so that said section as amended shall read as follows: 57. *Payments.* The state shall pay the owner, after he has filed such certificate or certificates as the commissioner may direct, one-third of the appraised value on all horses condemned and killed and for all bovine animals condemned and killed an amount not to exceed fifty dollars for a grade animal and seventy-five dollars for a registered pure bred animal providing that the amount received from salvage, from the federal government, and from the state shall not exceed the appraised value thereof; provided, however, that payment shall not be paid to any owner of bovine animals as a result of any subsequent test for brucellosis if, on such sub-

sequent test, ten per cent or more herd infection is revealed, unless or until said owner makes application as specified under section 46-a of this chapter for vaccination of all bovine animals owned by him between the ages of six and eight months.

On motion of Mr. Chamberlin of Haverhill the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

On motion of Mr. Wadleigh of Milford the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third readings, by title, of bills, made in order at the present time.

### Third Readings

House Bill No. 219, (in new draft and with new title), An act relative to determination of value of annuities or life estates to the inheritance tax laws.

House Joint Resolution No. 21, Joint resolution reimbursing certain towns for forest fire expenses.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mrs. Griffin of Auburn at 12:55 o'clock the House adjourned.

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WEDNESDAY, JULY 13, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O God, Thou great Governor of all the world, we beseech Thee to make us worthy subjects of Thine. Strengthen the sense of duty in our political life. Grant that as servants of the State, we may feel ever more deeply that any use of our vote and office for purely private ends is a betrayal of the trust that has been conferred upon us. Help us, our God, to live by the truth and righteousness and justice as taught by Jesus Christ. Amen.

### Leaves of Absence

Messrs. Farwell of Brookline and Hall of Marlboro were granted leave of absence for the day on account of important business.

### Introduction of Bill and Joint Resolution

The following bill and joint resolution were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Bill No. 532, An act making appropriations for capital improvements and long term repairs for the State of New Hampshire. To the Committee on Appropriations.

By the Committee on Rules, House Joint Resolution No. 36, Joint resolution in favor of the estate of Octave J. Goulet. To the Committee on Appropriations.

Mr. Atherton of Nashua moved that the rules of the House be suspended and the printing and reference to a committee of House Joint Resolution No. 36 be dispensed with.

On a *viva voce* vote the motion prevailed.

Mr. Atherton of Nashua moved that the rules be further suspended and the joint resolution be put upon its third reading, by caption, and final passage at the present time.

On a *viva voce* vote the motion prevailed.

The joint resolution was read a third time and passed and sent to the Senate for concurrence.

### Committee Reports

Mr. Tilton of Laconia, for the Committee on Appropriations, to whom was referred House Bill No. 499, (in new draft), An act relating to forest conservation and taxation, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend House Bill No. 499 by striking out all after the enacting clause and substituting therefor the following:

1. *Declaration of Policy.* It is the declared purpose of this act to encourage conservation of the forest resources of this state by releasing growing wood and timber from the yearly burden of local property taxes and substituting a yield

tax, so as to give an incentive to the owners of standing timber to abandon destructive cutting practices in favor of long-range forest management plans and to promote the restocking of depleted forest lands by conserving an understory of immature trees of desirable species. It is further designed to provide a continuous, sustained yield of wood and timber for New Hampshire wood-using industries and to stabilize employment in those industries, to maintain forest lands at their maximum productiveness, to protect the water resources of the state, to minimize the effect of droughts, and to maintain a more constant water level in wells, springs, streams, and public water supplies. It is also the purpose of this act to benefit the agricultural, industrial and recreational interests of the state, and to provide healthful surroundings, scenic values and improved conditions for fish and game.

2. *Growing Wood and Timber.* Amend the Revised Laws by inserting after chapter 79 the following new chapter:

### 79-A

#### Forest Conservation and Taxation

1. *Definitions.* The following words and phrases as used in this chapter shall have the meanings indicated, unless a contrary meaning shall appear in the context:

“Assessing officials” means those charged by law with the duty of assessing taxes in the city, town or unincorporated place.

“Contract” means any enforceable agreement, oral or written, which effectively transfers the title to standing wood or timber or the possession thereof with authority to cut.

“Owner” means any person, including a purchaser of public forest timber, having title to lands or standing trees or possession with authority to cut and remove logs or wood from lands or standing trees, from which any logs or wood are taken during the tax year. The word “owner” shall not be construed to include (a) a person who cuts or causes to be cut logs or wood for consumption in the construction, reconstruction or alteration of his own buildings within the state of New Hampshire; (b) a person who cuts or causes to be cut wood for fuel purposes for his own consumption from his own land wherever located within said state; (c) public agencies cutting wood or timber on publicly owned lands: (d)

persons engaged in clearing and maintaining rights of way incidental to furnishing utility services or transportation to the public.

"Stumpage Value" means the amount determined by the assessing officials in the same manner as other property values for the purposes of taxation. The assessing officials shall give full consideration to the amounts received from stumpage sales in the vicinity, prices offered for logs, pulpwood and fuel wood, current operating costs and similar data, taking into consideration the difficulties of operating in each case.

"Tax Year" as used in this chapter means from October first to September thirtieth of the next calendar year, inclusive, except that the period from April 1, 1950 to September 30, 1950, inclusive, shall be deemed to be a tax year for the purposes of the assessment to be made on October 1, 1950.

2. *Release from Property Taxes.* All growing wood and timber except fruit trees, sugar orchards, nursery stock and trees maintained only for shade or ornamental purposes, which shall not be subject to the yield tax hereinafter provided, shall be released from the general property tax; but the land upon which such growing wood and timber stands shall be assessed.

3. *Tax.* A yield tax on the stumpage value at the time of cutting shall be assessed by the assessing officials as of October first of each year against each owner of growing wood and timber, which has been cut during the previous tax year, at the rate of ten per cent. Provided, however, that any timber subject to a contract entered into prior to April 7, 1949, which is cut prior to October 1, 1953 shall be subject to a yield tax equal to the accumulated amount which would have been paid in general property taxes if the standing wood or timber had not been exempted under section 2 of this chapter during that period.

4. *General Tax; Credits in Certain Cases.* Whenever it shall appear to the assessing officials that a town or city is unreasonably deprived of revenue because of the failure of an owner to cut standing wood or timber when it shall have arrived at the degree of maturity most suitable for its use, such standing wood or timber shall be taxed in the same man-

ner as general property and be subject to the same rights of appeal, the intent being to prevent the holding of standing wood or timber indefinitely without the payment of any taxes. If such standing wood or timber is taxed under the provisions of this section, such taxes shall be a credit against any yield tax later imposed, and shall be taken into consideration in determining loss of tax revenue as provided in section 19.

5. *Abatement for Improved Forest Practices.* The assessing officials shall on application of any owner who has complied with the requirements of sections 8 and 9 relating to notice and return, abate so much of the tax on timber cut as would amount to three per cent of its stumpage value provided there is filed with such application a certificate of the owner, or, if requested by the assessing officials, a certificate of the state forester or his agent stating that the owner has complied with the standards established under section 21 of this chapter.

6. *Collection.* Said tax shall constitute a lien upon all property of the owner and may be enforced and collected by any appropriate means provided for the collection of taxes in chapter 80 of this title and amendments thereto, except that the right of distraint and the lien provided by sections 6 and 17 thereof shall expire eighteen months from the date on which the yield tax is assessed. It shall be subject to the same interest additions as general property taxes. In any instance where the assessing officials deem it necessary to insure the payment of the yield tax, they may require a bond or other security to be given before or during the cutting period in such amount and conditioned upon such terms as they determine. They may enter upon and inspect the timber lot, and require the owner to produce for their inspection such books, records and papers as may be of assistance to them in the assessment of the tax herein provided.

7. *Appeal and Abatement.* The owner shall have the same rights of appeal and abatement as are provided by law for persons against whom other taxes are assessed; but no such owner shall be entitled to appeal unless he has made the return required by section 9.

8. *Notice of Cutting.* The owner intending to cut any wood or timber shall give written notice of his intention prior



to such cutting to the assessing officials. Such notice shall state the name and residence of the owner, a description of the location of the land from which the wood or timber is to be cut, its estimated amount and value, and whether or not application for abatement will be made in accordance with section 5.

9. *Returns.* Every owner as defined in section 1 of this chapter shall make a return to the assessing officials on or before October fifteenth each year, stating the kinds and total amount of the wood or timber subject to the yield tax cut during the preceding tax year. Returns shall be on forms prescribed by the tax commission and shall require such information as the commission may deem necessary to enable the assessing officials to locate, identify, and determine the true stumpage value of, all wood and timber subject to a yield tax. Such returns shall be made under penalties of perjury.

10. *Penalty.* Whoever violates any of the provisions of sections 8 or 9 shall be fined not more than five hundred dollars. Such fine shall go to the city or town in which the wood or timber is located and shall be enforced in an action brought in the name of the town or city by the assessing officials. If the wood or timber is located in an unorganized town or unincorporated place said fine shall go to the county in which it is located and shall be enforced by an action brought in the name of the county by the county commissioners.

11. *Disposition of Yield Tax.* The yield tax imposed by section 3 of this chapter shall be paid by the tax collectors of cities and towns into their respective treasuries for use as other tax money is used. The yield tax collected by the state treasurer from operations in any unorganized town or unincorporated place shall be disbursed by him as follows: (1) To the state tax commission the cost of assessment in the unorganized town or unincorporated place; (2) to the treasurer of the county in which it is located to be credited against its share of the county tax for the ensuing year; (3) if any excess still remains, it shall be disbursed from year to year during the ensuing years as provided in clause (2) above.

12. *Reimbursement Fund Created.* There is hereby appropriated the sum of \$300,000, to be raised in the manner hereinafter provided, which sum shall constitute the reim-

bursement fund for reimbursing cities and towns for the loss of tax revenue by the exemption of standing wood and timber. Any balance in said reimbursement fund shall not lapse but shall be carried forward to the reimbursement fund for the succeeding fiscal year. The governor is hereby authorized to draw his warrant for the purposes of this chapter out of any money in the treasury not otherwise appropriated.

13. *Bond Issue Authorized.* Whenever there are insufficient funds in the treasury upon which the governor may draw his warrant to create the reimbursement fund as authorized in the preceding section, the treasurer is hereby authorized under the direction of the governor and council to borrow from time to time upon the credit of the state a sum not to exceed \$300,000 and for that purpose may issue bonds or notes in the name and behalf of the state. Such bonds or notes shall be deemed a contract on the part of the state to set aside annually a sum not to exceed \$25,000 from the forest improvement and recreational fund established under section 14 of chapter 234, of the Revised Laws as amended by section 10 of chapter 184 of the Laws of 1945, until the date of maturity of said bonds or notes or until sufficient money shall have accumulated to pay such bonds and the interest thereon at dates of maturity. Such bonds and notes shall be deemed a pledge of the faith and credit of the state.

14. *Form, Proceeds of Sale.* The governor and council shall determine the form of such bonds or notes, their rate of interest, the dates when interest shall be paid, the dates of maturity, the places where principal and interest shall be paid and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor. The treasurer may negotiate and sell such bonds or notes under the direction of the governor and council in such manner as they may deem to be the most advantageous to the state. Out of the proceeds of the sale of said bonds or notes the governor is authorized to draw his warrant for the sum hereinbefore appropriated, for the purposes of this act only.

15. *Accounts.* The secretary of state shall keep an account of all such bonds or notes countersigned by the governor, showing the number and amount of each bond or note, the time of countersigning, the time when payable, and the

date of delivery the treasurer. The treasurer shall keep an account of each bond or note, showing the number and amount thereof, the name of the person to whom sold, the amount received for the same, the date of the sale, and the time when payable.

16. *Short-Term Notes.* Prior to the issuance of the bonds hereunder the treasurer, with the consent of the governor and council, may for the purposes hereof borrow from time to time on short-term loans which may be refunded by the issuance of bonds or notes hereunder, provided, however, that at no time shall the indebtedness of the state on such short-term loans and said bonds exceed the total bond issue authorized under section 13.

17. *Application for Reimbursement.* The governing body of a city or the selectmen of a town may apply to the state tax commission annually on or before September first requesting that its share of reimbursement be determined and certified to the state treasurer for payment in the manner provided in section 18.

18. *Distribution of Reimbursement Fund.* Beginning with the year 1950, the state treasurer shall on December 31st of each year make distribution from said reimbursement fund to the several cities and towns for their losses in tax revenue, if any, caused by the exemption of growing wood and timber, when such losses have been determined and certified by the state tax commission after receipt of the application required by the preceding section. In computing such losses said commission shall determine the amount of revenue each city and town would have received from a tax levied on the average assessed valuation of its growing wood and timber for the years 1944 to 1948 inclusive reckoned on its current average tax rate, deducting therefrom the amount of any general property tax assessed under section 4 of this chapter and the amount of yield tax assessed in said city or town under the terms of this chapter for the year in which distribution is made, and also deducting from such amount any additional funds each would receive from the state for schools or roads because of the loss in valuation from exemption of standing wood and timber, and said commission shall also take into consideration so far as legally possible any in-

crease or decrease in the proportionate share of each city or town in county and state taxes, any decrease in the amount of reimbursement which any town may receive because of the taking of forest land by the state or federal government for state or national forests, and any other factors or abnormal conditions, including extraordinary obligations of a city or town entered into before the passage of this act, which would affect an equitable distribution, the intent being to make up to the several cities and towns any loss in tax revenue or loss in reimbursements granted in lieu of tax revenue on federal and state forests, or increase in county or state taxes resulting from such exemption in as equitable a manner as possible. If in any tax year the amount of yield tax together with the said additional state funds for schools and roads shall exceed such tax losses, said excess shall be used (1) to reimburse the state for accumulated payments received in prior years under the provisions of this section, and (2) as deductions in computing subsequent distributions from the reimbursement fund.

19. *Reimbursement on Account of Unorganized Towns and Unincorporated Places.* The loss of tax revenue from each unorganized town and unincorporated place shall be determined and certified by the tax commission in a manner as nearly similar to that described in section 18 as possible and said commission shall make such adjustments as may be necessary to insure equality of treatment under this act, so far as possible, as between unorganized towns and unincorporated places in towns and cities. Reimbursement of such loss of tax revenue shall be made by payment to the county treasurer on account of loss of county taxes. Reimbursement shall not be made on December 31st but shall be made as soon as the amount of taxes due for the ensuing year shall have been determined, and no reimbursement shall be made in any year if and to the extent that funds derived from the yield tax remain in the hands of the state treasurer for disbursement as provided by section 11.

20. *Appeal from Decision on Eligibility for Abatement.* Whenever an owner is dissatisfied with the decision upon the question of eligibility for the abatement provided in section 5, he may within thirty days of receiving knowledge of said decision, appeal in writing to the district forest advisory board and the decision of the majority of said board shall be final.

21. *Minimum Cutting Standards.* The district forest advisory boards shall recommend to the state forester cutting practices to be used as the basis of abatement as provided in section 5. Such standards shall be approved by the state forester with the advice and consent of the forestry and recreation commission. In establishing standards hereunder, consideration shall be given to: Accepted methods of cutting for forest conservation applicable to the area, done in a manner to leave enough healthy standing trees of desirable species to provide future continuous yield, and to protect or provide young trees of desirable species in sufficient number and distribution to assure soil protection and a future crop; satisfactory reforestation by planting; together with the maintenance of vigilant precautions against fire and provision of sufficient tools and equipment for fire suppression, and cooperation with public agencies in the application of measures for the control of fire, insects and disease.

22. *Revision.* The provisions as to the creation of said reimbursement fund and the method and amount of reimbursement provided for in sections 12 through 19 inclusive shall remain in force for twenty years from the date when this act takes effect, and the General Court of 1969 shall revise said provisions as the situation then existing may require.

23. *Interpretation.* The amount of reimbursement to which a town may be entitled under section 30 of chapter 234 of the Revised Laws shall not be affected by any of the provisions of this chapter.

3. *Amendment.* Amend section 14 of chapter 234 of the Revised Laws as amended by section 10, chapter 184 of the Laws of 1945 by inserting after the word "Commission" in the seventeenth line the words, or for the payment of any bonded indebtedness necessitated by the creation of the reimbursement fund established under chapter 79-A of the Revised Laws as inserted by "An act relating to forest conservation and taxation" of the Laws of 1949, so that said section as amended shall read as follows: 14. *Forest Improvement and Recreational Fund.* All revenue derived from fees for services and accommodations on, and rentals and the sale of any products from, state forests or reservations and federal lands placed under the jurisdiction of the forestry and

recreation commission shall, except as otherwise provided, be paid into the state treasury. All of such revenue, except that received from the sale of nursery stock from the state forest nursery, shall be kept by the state treasurer in a separate account as a continuous fund to be known as the forest improvement and recreational fund from which payments may be made upon recommendation of the commission, with the advice and consent of the governor and council, for the purchase and improvement of state forests and reservations and buildings thereon and for administration and improvement of such federal lands as may be placed under the jurisdiction of the commission, or for the payment of any bonded indebtedness necessitated by the creation of the reimbursement fund established under chapter 79-A of the Revised Laws as inserted by "An act relating to forest conservation and taxation" of the Laws of 1949. At the close of each fiscal year the unexpended balance of said money shall be carried forward and be made available for use in the subsequent years for said purposes.

4. *Constitutionality.* If any provisions of this chapter, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of said sections, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

5. *Repeal.* Chapter 144, Laws of 1943, relating to assessment of growing wood and timber, sections 31 to 47 inclusive of chapter 73 of the Revised Laws, and all other acts so far as they may be inconsistent herewith are hereby repealed.

6. *Takes Effect.* This act shall take effect March 31, 1950.

The report was accepted.

Mr. Atherton of Nashua moved that the bill, with the amendment pending, be laid upon the table and be made a special order for Thursday, July 14, at 11:01 o'clock.

The question being on the motion.

(Discussion ensued)

Messrs. Atherton of Nashua, Sanborn of Wakefield and Turner of Keene spoke in favor of the motion.

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Mr. Downing of Newport spoke against the motion.

On a *viva voce* vote the motion prevailed, and the bill was made a special order for Thursday, July 14, at 11:01 o'clock.

Mr. Sanborn of Wakefield, for the Committee on Appropriations, to whom was referred House Bill No. 531, An act relating to the Portsmouth-Seabrook toll road, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Oakes of Landaff, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 12, Joint resolution in favor of the estate of Raymond A. Elliott, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

### **Taken from Table**

Mr. Adams of Greenville, for the Committee on Mileage, to whom was referred House Bill No. 530, An act to establish a standard mileage table for the general court, reported the same with the amendment as printed in the Journal of July 12, on page 7, and the recommendation that the bill as amended ought to pass.

The report was accepted.

On a *viva voce* vote the amendment was adopted, and the bill was referred to a third reading.

### **Committee of Conference Report**

The Committee of Conference, to whom was referred House Bill No. 517, An act relative to the administration of the unemployment compensation law, having considered the same, recommended that the Senate recede from its position in the adoption of the amendment to said bill and concur with the House in the passage of said bill.

FREDERIC H. FLETCHER,  
GEORGE W. ANGUS,  
THOMAS WATERHOUSE, JR.,

*Conferees on the Part of the House.*

N. A. McMEEKIN,

JOHN W. DOLE,

*Conferees on the Part of the Senate.*

On a *viva voce* vote the report was accepted.

### Special Order

Mr. Holden of Hanover called for the special order, it being, House Bill No. 450, An act relating to outdoor advertising.

Mr. Holden of Hanover moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass.

The question being on the motion to substitute.

(Discussion ensued)

Mr. Holden of Hanover and Mrs. Banfield of Moultonborough spoke in favor of the motion.

Mr. Sherwin of Rindge spoke against the motion.

Mr. Martel of Manchester moved that the bill, with the amendment pending, be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Martel, Kennedy and Malatras of Manchester, Lea of Pembroke and Pickett of Keene, and Mrs. Brungot of Berlin spoke in favor of the motion.

Mrs. Wheeler of Bristol and Messrs. Laraba of Portsmouth, Spaulding of Hudson and Turner of Keene spoke against the motion.

Mr. Bell of Plymouth moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Miss Loizeaux of Plymouth demanded the yeas and nays, and the roll was called with the following result:

Yeas, 223

GRAFTON COUNTY: Wadhams, Brown of Ashland, Whitier, Willey, Eggleston, Grass, Williams of Grafton, Holden, Chamberlin of Haverhill, Sommers, Oakes, Madden, Gardner of Littleton, Orr, Dusik, Pushee, Bell, Barney, Anderson, Sawyer of Woodstock.



COOS COUNTY: Dussault, Hinchey, Moffett, Desilets, Henderson of Berlin, Lazure, Bartlett, Brungot, Christiansen, Bouchard, Fontaine, Gagnon of Berlin, Roy of Berlin, Currier, Gould, Falkenham, Hamlin of Dummer, Fraser, Malloy, Kimball, Evans of Lancaster, Johnson of Milan, Baxter, Potter, Converse of Pittsburg, Phelan, Baker.

ROCKINGHAM COUNTY: Graves, Persson, Corson, Heon, Hepworth, Fecteau, Eldredge, Rathbone, Sanborn of Fremont, Root, LaBranche of Newmarket, Sewall, Alessi, Dondero, Ingraham, Payette, Hobbs, Leary, Haigh, Scamman, Waterhouse.

STRAFFORD COUNTY: Stackpole, Gouin, Grimes, Marcotte, Felker, Dodge, Flanagan, Parker, Webster, Wormhood, Horne, Rolfe, Dustin, St. Pierre, Lacasse, Studley, Leach, Lagueux, Letourneau, Coffin, Cater of Somersworth, Malley, Brown of Strafford.

BELKNAP COUNTY: Perkins, Simoneau, Keller, Shannon, Brown of Laconia, Ewing, Smith of Meredith, Smith of New Hampton.

CARROLL COUNTY: Washburn, Downs, Hill, Lucy, Thompson of Effingham, MacGown, Banfield, Wiggin, Knox, Hodgdon.

MERRIMACK COUNTY: Couture, Hardy, Marden, Coakley, Ferrin, Suosso, Buntin, Roby, Sargent, Chase, Burke, Lorden, Connor of Henniker, Dudevoir, Mullaire, Kenney, Spiller, Carr, Lea.

HILLSBOROUGH COUNTY: Tracy, Wilson, French, Ellsworth, Jones of Francestown, Hambleton, Crosby, Goodwin of Hudson, Reid of Litchfield, Daniels of Manchester, Kennedy of Manchester, Danforth, Geisel, Dwyer, Martel, Sweeney, Fitzgerald, Kean, Betley, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Casey, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Downey, Sullivan, of Manchester, Ward 7, Delisle, Kane, Cary, Gagnon of Manchester, Auger, Getz, McPhail, Roche, Roukey, April, Vaillancourt, Daniel of Manchester, Gauthier, Thibodeau of Manchester, Cannon, Donnelly, Wedick, Peaslee of Merrimack, Falconer, Fletcher, Ramsdell, Boire, Landry, Belcourt, Brosnahan, Spalding of Nashua, Chasse, Marquis, Maynard, Dionne,

Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Janelle, Cote, Shedd, Bigelow, Cummings of Peterborough, Barry.

CHESHIRE COUNTY: Ring, Thomas, Walker of Hinsdale, Willard, Erwin, Smith of Keene, Pickett, Zimmerman, Forbes, Andrews, Lang.

SULLIVAN COUNTY: Perkins, Angus, Bissonnett, Baron, Stetson, Holmes of Langdon, Wirkkala, Cummings of Newport, Downing, Rowell, Gardner of Springfield, Callum.

### Nays, 113

GRAFTON COUNTY: Chamberlin of Bath, Wheeler, Dunbar, Atkins, Fuller, Clough, Perry of Haverhill, Adams of Lebanon, Ashley, Cole, Dwinell, Collins, Hamilton, Kelley of Littleton, Green, Loizeaux.

COOS COUNTY: Mason, Moses, Hinman, Taylor.

ROCKINGHAM COUNTY: Griffin, Hazelton, Elwell, Richards, Weeks of Greenland, Underwood, Stevens, Parmenter, Carter of North Hampton, Johnson of Northwood, Colcord, Foote, Yeaton, Laraba, Bluitte, True, Evans of South Hampton.

STRAFFORD COUNTY: Swain, Smalley, Crandall, Henderson of Durham, Jones of Rochester, Fernald, Green of Rollinsford.

BELKNAP COUNTY: McAllister, Dearborn, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Tilton of Laconia, Ransom, Atwood.

CARROLL COUNTY: Wild, Remick, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Moore, Rancour, Besse, Colbath, Kennedy of Concord, Hurd, Nash, Saltmarsh, Tilton of Concord, Greene of Concord, Blodgett, Nawn, Sawyer of Concord, Towle, Ferguson, Yerxa, Savory, Stebbins.

HILLSBOROUGH COUNTY: Black, Reed of Goffstown, Tirrell, Adams of Greenfield, Doonan, English, Boynton, Goodwin of Hollis, Spaulding of Hudson, Corliss, Sawyer of Manches-

ter, Wadleigh, Atherton, Cooper, Thompson of New Ipswich, Myhaver, Osborne of Weare.

CHESHIRE COUNTY: Dort, Miller, Spofford, Perry of Jaffrey, Aldrich, Landers, Darling, Turner, Tolman, Sherwin, Blake, Kershaw, Killeen, Rhodes, Billings, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Converse of Claremont, Zopf, Nelson, Read of Plainfield.

And the motion to indefinitely postpone prevailed.

### **Engrossed Bills Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 99, An act relative to insertion of articles in the warrant for school district meeting.

Senate Bill No. 134, An act relative to bounties on porcupines.

House Bill No. 361, An act relative to fees for special permits to move objects or vehicles and loads.

The report was accepted.

### **Message From the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to nonconcur, and asks for a Committee of Conference on the following entitled bill:

Senate Bill No. 114, An act relative to hunting and fishing licenses.

And the President has appointed as members of such committee on the part of the Senate, Senators Ainsworth and Hayes.

On motion of Mr. Fernald of Rochester the House acceded to the request of the Honorable Senate and the Speaker appointed as members on such committee on part of the House, Messrs. Washburn of Bartlett, Converse of Pittsburg and Kelley of Littleton.

The message further announced that the Senate had voted

to recall from the Governor for further consideration the following bill:

Senator Bill No. 127, An act relative to the powers of the director of fish and game.

The Senate voted to reconsider its vote whereby it voted to concur in the House amendment, and voted to nonconcur, and asked for a Committee of Conference, and the President has appointed as members of such committee on the part of the Senate, Senators Ainsworth and Hayes.

On motion of Mr. Fernald of Rochester the House acceded to the request of the Honorable Senate, and the Speaker appointed as members on such committee on the part of the House, Messrs. Whittier of Bethlehem, Zimmerman of Keene, and Fernald of Rochester.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

Senate Bill No. 110, An act relative to employees of the fish and game department.

Amend section 1 of said bill by striking out the word "office" in the ninth line and inserting in place thereof the word, duties.

Amend section 2 of said bill by striking out the words "efficiency ratings and."

On motion of Mr. Fernald of Rochester the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 360, An act relating to certain tax exemptions of citizens who fought with allies of the United States.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Poll Taxes.* Amend section 1 of chapter 73 of the Revised Laws as amended by chapter 5 of the Laws of 1944 by striking out said section and inserting in place thereof the following: 1. *Persons Liable.* A poll tax of two dollars

shall be assessed on every inhabitant of the state from twenty-one to seventy years of age whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any veteran who served in the armed forces of the United States in any wars in which it has been engaged, the widow of any citizen who served in the armed forces of any country allied with the United States in any of the wars as defined by chapter 167 of the Laws of 1949, and section 29-c, chapter 73 of the Revised Laws as inserted by chapter 240 of the Laws of 1947, and others exempt by special provisions of law.

2. *Exemptions.* Amend section 2 of said chapter 73 as amended by section 1 of chapter 173 of the Laws of 1943 by striking out all of said section and inserting in place thereof the follows: 2. *Veterans' Exemption.* Any veteran of any war in which the United States has been engaged and any veteran of the armed forces of the government allied with the United States as defined by section 29-c of this chapter, who shall present to the selectmen or assessors of the town in which he lives, for inspection and record, his pension certificate awarding to him an invalid pension of any amount, or a discharge other than dishonorable from such wars, shall thereafter be exempt from the levy of a poll tax.

3. *Repeal.* Section 4 of said chapter 73 as amended by section 2, chapter 173, Laws of 1943, relative to disability exemption, is hereby repealed.

4. *Veterans of Allied Forces.* Amend section 29-c of said chapter 73, as inserted by chapter 240 of the Laws of 1947, by inserting after the word "who" in the third line the words, being a citizen of the United States, or, so that said section as amended shall read as follows: 29-c. *Veterans of Allied Forces.* Any person otherwise entitled under the provisions of sections 29, 29-a or 29-b of this chapter who being a citizen of the United States, or being a resident of New Hampshire, at the time of his entry therein, served on active duty in the armed forces of any of the governments associated with the United States in the wars set forth in section 29 shall be entitled to the exemption authorized by said section.

5. *Takes Effect.* This act shall take effect upon its passage.

The reading of the amendment having commenced, on motion of Mr. Ashley of Lebanon, further reading of the amendment was dispensed with.

On a *viva voce* vote the House concurred in the amendment sent down from the Honorable Senate.

The bill was sent to the Secretary of State to be engrossed.

The message also announced that the Senate has passed a bill with the following title, in the passage of which it asks the concurrence of the House of Representatives:

Senate Bill No. 140, An act relative to bond issue for the Pittsburg School District.

### Senate Bill Read and Referred

Senate Bill No. 140, An act relative to bond issue for the Pittsburg School District.

Read a first and second time and referred to the Committee on Municipal and County Government.

### Personal Privilege

Mrs. Mason of Berlin rose to a point of personal privilege, and stated: Through a misunderstanding between the Speaker and myself I was not called on to speak for House Bill No. 450, I am so very sure the bill could not have hurt any one, particularly my constituents in Berlin that I regret very much I was unable to explain my position.

On motion of Mr. Wadleigh of Milford the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third readings, by title, of bills, made in order at the present time.

### Third Readings

House Bill No. 530, An act to establish a standard mileage table for the general court.

House Bill No. 531, An act relating to the Portsmouth-Seabrook Toll Road.

Severally read a third time and passed, and sent to the Senate for concurrence.

On motion of Mrs. Forbes of Marlow at 1:15 o'clock the House adjourned.

THURSDAY, JULY 14, 1949

The House met according to adjournment.

Prayer was offered by Mr. Edwin G. Bennett, Chaplain Intern, State Hospital.

Almighty God, who has committed into our hands the government of this State and the welfare of her people; in all our work inspire us by Thy Holy Spirit. May we not seek to do our will, but rather may we search for Thine. May we not be led astray by small things, but may we always follow where Thou wouldst lead us. Teach us to listen for Thy voice speaking in our hearts, that our deliberations may be reflections of Thy counsels, that our decisions may bear the imprint of Thy justice, and all our actions be toward the furtherance of Thy Kingdom and the enhancement of Thy glory. We ask it for Thy Name's sake. Amen.

### Leaves of Absence

Mr. Thompson of New Ipswich was granted leave of absence for the day on account of attending a funeral.

Mr. Spaulding of Hudson was granted leave of absence for the day on account of important business.

### Committee Reports

Mr. Oakes of Landaff, for the Committee on Appropriations, to whom was referred House Bill No. 38, An act relative to the salary of the director of the children's study home, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Oakes of Landaff, for the Committee on Appropriations, to whom was referred House Bill No. 307, An act relating to the salary of the superintendent of the state hospital, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 1 of the bill by striking out the figures "\$11,500.00" in the third line and inserting in place thereof the figures, \$10,500.00, so that said section as amended shall read as follows: 1. *Superintendent of the State Hospital.*

Notwithstanding the provisions of section 1 of chapter 250 of the Laws of 1947, the salary of the superintendent of the state hospital shall be as follows: Minimum, \$10,000.00. Maximum, \$10,500.00.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

### Committee of Conference Report

The Committee of Conference, to whom was referred Senate Bill No. 88, An act relating to the covering of wells, having considered the same, reported the same with the following recommendation. That the Senate recede from its position of noncurrence and concur in the adoption of the amendments proposed by the House.

N. A. McMEEKIN,  
MARYE WALSH CARON,  
*Conferees on the Part of the Senate.*

ROBERT A. JOHNSON,  
MARY C. DONDERO,  
ELMER H. DOWNS,  
*Conferees on the Part of the House.*

On a *viva voce* vote the report was accepted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 79, An act to revise the charter of the city of Keene.

House Bill No. 425, An act relative to capital reserves for the city of Manchester.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on the following entitled bill:

House Bill No. 517, An act relative to the administration of the unemployment compensation law.

The message also announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed



Bills, to the following Senate bill, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

Senate Bill No. 94, An act relating to beano.

Amend section 1 of said bill by striking out the word "presently" in the twelfth line.

On motion of Mr. Turner of Keene the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Special Order

Mrs. Gardner of Springfield called for the special order.

It being, House Bill No. 499, An act relating to forest conservation and taxation.

The question being on the amendment as printed in the Journal of July 13.

The question being on the amendment.

Mrs. Gardner of Springfield moved that the bill, with the amendment pending, be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Downing of Newport, Wadhams of Alexandria, Fletcher of Mont Vernon, Callum of Unity, Fitch of Deerfield, Thomas of Dublin, Malatras of Manchester, Wirkkala of Lempster, Betley of Manchester, and Mesdames Gardner of Wakefield, Forbes of Marlow, and Lucy of Conway, spoke in favor of the motion.

Messrs. Converse of Pittsfield, Pickett of Keene, Atherton of Nashua, Baron of Claremont, Brosnahan of Nashua, Angus of Claremont, Cavanaugh of Manchester, Dort of Chesterfield, Barry of Wilton, Sullivan of Manchester, and Sanborn of Wakefield, and Mrs. Goodwin of Hollis and Mrs. Lucy of Conway, spoke against the motion.

Mr. Laraba of Portsmouth moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

Mr. Converse of Pittsburg demanded the yeas and nays, and the roll was called with the following result:

**Yeas, 140**

COOS COUNTY: Fontaine, Gagnon of Berlin, Gould, Falkenham, Johnson of Milan, Baxter, Potter, Phelan.

ROCKINGHAM COUNTY: Griffin, Graves, Fitch, Heon, Hepworth, Fecteau, Eldredge, Sanborn of Fremont, Stevens, LaBranche of Newmarket, Sewall, Carter of North Hampton, Alessi, Payette, Bluitte, Haigh.

STRAFFORD COUNTY: Swain, Stackpole, Gouin, Felker, Parker, Webster, Rolfe, Dustin, St. Pierre, Lacasse, Studley, Letourneau, Cater of Somersworth.

BELKNAP COUNTY: Smith of New Hampton.

CARROLL COUNTY: Washburn, Hill, Lucy, Thompson of Effingham, Banfield, Wiggin, Knox, Hodgdon.

MERRIMACK COUNTY: Couture, Marden, Coakley, Ferrin, Bunten, Sargent, Chase, Burke, Lorden, Connor of Henniker, Dudevoir, Mullaie, Kenney, Carr, Lea, Holmes of Salisbury.

HILLSBOROUGH COUNTY: French, Farwell, Ellsworth, Hambleton, Reid of Litchfield, Geisel, Dwyer, Martel, Kean, Betley, Healy of Manchester, Ward 5, Malatras, O'Brien, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 7, Cary, Auger, Roche, April, Vaillancourt, Daniel of Manchester, Gauthier, Thibodeau of Manchester, Falconer, Fletcher, Landry, Belcourt, Spalding of Nashua, Chasse, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Janelle, Cote, Bigelow.

CHESHIRE COUNTY: Ring, Thomas, Willard, Erwin, Smith of Keene, Hall, Forbes, Lang, Killeen, Rhodes.

SULLIVAN COUNTY: Perkins, Converse of Claremont, Bissonnett, Stetson, Riley, Walker of Grantham, Holmes of Langdon, Wirkkala, Cummings of Newport, Downing, Farmer, Read of Plainfield, Gardner of Springfield, Callum.

GRAFTON COUNTY: Wadhams, Chamberlin of Bath, Eggleston, Williams of Grafton, Perry of Haverhill, Oakes, Jones of Lebanon, Orr, Pushee, Bell, Anderson, Sawyer of Woodstock.

### Nays, 187

COOS COUNTY: Dussault, Hinchey, Mason, Moffett, Desilets, Henderson of Berlin, Lazure, Bartlett, Brungot, Christiansen, Bouchard, Roy of Berlin, Currier, Hamlin of Dummer, Fraser, Malloy, Kimball, Evans of Lancaster, Moses, Converse of Pittsburg, Baker, Hinman, Taylor.

ROCKINGHAM COUNTY: Hazelton, Corson, Elwell, Rathbone, Richards, Weeks of Greenland, Root, Merrill, Underwood, Parmenter, Johnson of Northwood, Colcord, Durell, Foote, Yeaton, Hobbs, Leary, Laraba, Ingraham of Portsmouth, True, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Marcotte, Smalley, Crandall, Dodge, Stocklan, Henderson of Durham, Wormhood, Horne, Jones of Rochester, Fernald, Leach, Green of Rollinsford, Lagueux, Malley, Brown of Strafford.

BELKNAP COUNTY: McAllister, Dearborn, Kelley of Gilman, Hart of Laconia, Simoneau, Tilton of Laconia, Keller, Shannon, Brown of Laconia, Ewing, Ransom, Smith of Meredith, Atwood.

CARROLL COUNTY: Downs, MacGown, Wild, Remick, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Hardy, Rancour, Colbath, Kennedy of Concord, Suosso, Hurd, Saltmarsh, Tilton of Concord, Greene of Concord, Roby, Blodgett, Nawn, Sawyer of Concord, Towle, Astles, Spiller, Ferguson, Stapleton, Yerxa, Savory, Stebbins.

HILLSBOROUGH COUNTY: Tracy, Wilson, Black, Jones of Francestown, Reed of Goffstown, Tirrell, Adams of Greenfield, Doonan, English, Boynton, Goodwin of Hollis, Goodwin of Hudson, Corliss, Daniels of Manchester, Danforth, Sawyer of Manchester, Sweeney, Fitzgerald, Kazakis, Cavanaugh, Sullivan of Manchester, Ward 6, Leclerc, Delisle, Kane, Gagnon of

Manchester, Getz, Roukey, Cannon, Donnelly, Wedick, Wadleigh, Atherton, Cooper, Ramsdell, Boire, Brosnahan, Marquis, Shedd, Cummings of Peterborough, Myhaver, Osborne, Barry.

**CHESHIRE COUNTY:** Dort, Miller, Walker of Hinsdale, Spofford, Perry of Jaffrey, Aldrich, Landers, Darling, Turner, Pickett, Zimmerman, Tolman, Andrews, Sherwin, Blake, Kershaw, Billings, Ingham of Winchester, Thompson of Winchester.

**SULLIVAN COUNTY:** Angus, Baron, Nelson, Rowell.

**GRAFTON COUNTY:** Brown of Ashland, Whittier, Wheeler, Willey, Dunbar, Atkins, Fuller, Holden, Chamberlin of Haverhill, Clough, Adams of Lebanon, Ashley, Cole, Dwinell, Madden, Collins, Hamilton, Kelley of Littleton, Green, Loizeaux.

### Pairs

Mr. Ellingwood of Northumberland voting yes, paired with Mr. Barney of Rumney voting no.

Mr. Peever of Salem voting no, paired with Mr. Simms of Claremont voting yes.

Mr. Redden of Dover voting no, paired with Mr. Shea of Manchester voting yes.

Mr. Flannagan of Dover voting no, paired with Mr. Grass of Franconia voting yes.

Mr. Coffin of Somersworth voting yes, paired with Mr. Besse of Concord voting no.

Mr. Obert of Center Harbor voting no, paired with Mr. Gardner of Littleton voting yes.

Mrs. Weeks of Gilford voting yes, paired with Mr. Thompson of New Ipswich voting no.

Mr. Nicoll of Bow voting no, paired with Mr. Crosby of Hillsboro voting yes.

Mr. Moore of Bradford voting yes, paired with Mr. Williams of Washington voting no.

Mr. Nash of Concord voting no, paired with Mr. Hutchins of Claremont voting yes.

Mr. Spaulding of Hudson voting no, paired with Mr. Zyla of Manchester voting yes.

Mr. Casey of Manchester voting yes, paired with Mr. Dusik of Lyman voting no.

Mrs. McPhail of Manchester voting yes, paired with Mr. Edson of Lebanon voting no.

Mrs. Lareau of Manchester voting yes, paired with Mr. White of Claremont voting no.

And the motion to indefinitely postpone the bill did not prevail.

The question being on the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

### Change in Committee of Conference

The Speaker appointed Mr. Blake of Swanzey to the Committee of Conference on Senate Bill No. 114, An act relative to fishing and hunting licenses, in place of Mr. Washburn of Bartlett.

On motion of Mr. Wadleigh of Milford the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third readings, by title, of bills, made in order at the present time.

### Third Readings

House Bill No. 38, An act relative to the salary of the director of the children's home.

House Bill No. 307, An act relating to the salary of the superintendent of the state hospital.

House Bill No. 499, An act relating to forest conservation and taxation.

### Reconsideration

Mr. Pickett of Keene moved that the House reconsider the vote whereby the House passed House Bill No. 499.

On a *viva voce* vote the motion did not prevail.

On motion of Mr. Callum of Unity at 1:50 o'clock the House adjourned.

TUESDAY, JULY 19, 1949

The House met according to adjournment.

### Joint Convention

Prayer was offered by the Chaplain.

O God our Heavenly Father, who hast created all men in thine own image; We ask Thy blessing upon Thy children in every place and under every condition. Give to those called to the high office of leadership a deep sense of responsibility; so replenish them with Thy grace that they may always incline to Thy will and walk in Thy way. Grant to Thy children everywhere the gifts of honesty and courage, of mercy and kindness, and of loyalty and self-sacrificing service to Thee and to their fellow men; through Jesus Christ our Lord. Amen.

Both branches of the Legislature being in session Vice Admiral R. V. Symonds-Taylor, Commander of the American and West Indies Station of the British Navy, addressed the convention.

Senator Reinhart of District No. 24 offered the following resolution:

*Resolved* by the Senate and House of Representatives assembled in Joint Convention that on behalf of the people of the State of New Hampshire the Convention extends cordial greetings to Vice Admiral R. V. Symonds-Taylor, Commander of the America and West Indies Station of the British Navy and to the officers and men of his flagship, H. M. S. Glasgow, on the occasion of their official visit at Portsmouth Harbor, and that the Convention expresses the hope that this visit may be the forerunner of further similar exchange of courtesy between our State and the British Navy.

On a *viva voce* vote the resolution was adopted.

On motion of Senator Brunel of District No. 9 the Convention rose.

### House

#### Leaves of Absence

Messrs. Sommers of Holderness, Besse of Concord, Peever of Salem, Fletcher of Mont Vernon and Tracy of Amherst were

granted leave of absence for the day on account of important business.

Messrs. Downing of Newport and Sawyer of Concord were granted leave of absence for the week on account of important business.

### **Committee Reports**

Mr. Sanborn of Wakefield, for the Committee on Appropriations, to whom was referred House Bill No. 217, An act providing for a deficiency appropriation for certain departments and institutions for the fiscal year ended June 30, 1948, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hart of Wolfeboro, for the Committee on Appropriations, to whom was referred House Bill No. 257, An act relative to harbor-masters for Hampton Harbor and Rye Harbor, and little Harbor, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Oakes of Landaff, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 26, Joint resolution relative to operation of Bellamy Park in Dover, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

### **Engrossed Bills Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 94, An act relating to beano.

Senate Bill No. 110, An act relative to employees of the fish and game department.

Senate Bill No. 138, An act relating to highways.

House Bill No. 360, An act relating to certain tax exemptions of citizens who fought with allies of the United States.

House Bill No. 477, An act to restrict the use of purse seines and beam trawls on the New Hampshire seacoast.

House Bill No. 517, An act relative to the administration of the unemployment compensation law.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 175, An act relating to the distribution, sale, or transportation of insecticides, fungicides, rodenticides, and other economic poisons, reported the same, under Joint Rule No. 6, with the following amendment and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the word "act" where it occurs in paragraph IX of section 1 and section 7 of chapter 227 as inserted by the bill and inserting in place thereof the word, chapter,

Further amend said bill by inserting after the word "defraud" in paragraph II of section 15 of said chapter 227 the word, who,

Further amend said bill by striking out section 5 of said chapter 227 and inserting in place thereof the following:

5. *Fees.* The registrant shall pay an annual fee of ten dollars for each economic poison registered, provided, however, that any registrant may register annually any number of brands upon the payment of an annual fee of one hundred dollars. A sum not to exceed three thousand dollars annually from said fees shall be held in the state treasury in a special fund to be used only for carrying out the provisions hereof. The monies in said special fund shall not lapse but may be used at any time for carrying out the provisions hereof. Any excess above three thousand dollars annually which may be collected from fees under the provision of this section shall be credited to the general funds.

On motion of Mr. Bunten of Concord the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.



Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 308, An act relating to diseases of domestic animals, reported the same, under Joint Rule No. 6, with the following amendment and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Domestic Animals Indemnity.* Amend section 57 of chapter 229 of the Revised Laws as amended by section 1, chapter 137 of the Laws of 1945 by adding at the end thereof the words, provided, however, that payment

On motion of Mr. Bunten of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills:

The bill was then sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to adopt the Committee on Conference report on the following entitled bill:

Senate Bill No. 88, An act relating to the covering of wells.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills sent up from the House of Representatives:

House Bill No. 146, An act prohibiting the teaching of doctrines of communism or overthrow of government by force in public or private schools in the state.

House Bill No. 320, An act relating to the extermination of wild boars in the counties of Sullivan and Grafton.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 7, An act relative to white pine blister law.

Amend section 3 of said bill by striking out the last two lines and inserting in place thereof the following: forester to

the selectmen of the town stating the data when, and the location where, operations for such removal or destruction will be begun.

On motion of Mr. Remick of Tamworth the House concurred by the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 425, An act relative to capital reserves for the city of Manchester.

Amend section 1 of said bill by striking out the words "city council" where they occur in said section and inserting in place thereof the words, mayor and board of aldermen,

On motion of Mr. Sawyer of Manchester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 413, An act relating to the lobsters and crabs.

Amend section 8 of the bill by striking out the whole of said section and substituting in place thereof the following: 47-a. *Exception.* Nothing in the provisions of section 47 shall be construed to prevent hotels or restaurants serving cooked lobster to guests for immediate consumption as food, from chopping lawful lobster meat in reasonable quantities for current use. In any case an amount in excess of ten pounds shall be *prima facie* excessive unless said hotel or restaurant has, at least twenty-four hours prior to chopping up a quantity in excess of ten pounds, notified the commissioner in writing so that said lobster might be inspected by a conservation officer prior to being chopped. Nor shall said section prevent an individual from chopping lobster meat for immediate consumption by himself and family.

Amend section 12 of the bill by striking out the whole of said section and substituting in place thereof the following: 53-b. *Revocation.* Any person holding a license under section 53 or 53-a who may be convicted of a violation of the laws relating to lobsters and crabs, shall forfeit such license for not more than one year from the date of conviction in the discretion of the director.

On motion of Mr. Underwood of Hampton the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

### Communication

The following communication was read by the Speaker.

*Whereas*, the 1949 General Court provided for a cost-of-living bonus for State employees, which provisions were effective until June 30, 1949 and

*Whereas*, it was understood at the time said legislation was passed that the new classification plan would be effective as of July 1, 1949 and enacted, and

*Whereas*, because of financial difficulties the General Court has not yet taken action on a classification plan.

*Be It Therefore Resolved*, That the State Employees' Association desires to bring to the attention of the General Court the situation as it now exists relative to the fact that there has been no easing of the economic situation as far as the cost of living of said employees is concerned, and respectfully requests consideration of the passage of legislation which will provide for extending the provisions of the so-called bonus act until such time as the new classification act shall become effective.

ROBERT J. HART,  
*President of the New Hampshire  
State Employees' Association.*

MARIE EDWARDS,  
*Secretary of the New Hampshire  
State Employees' Association.*

The communication was laid upon the table to be printed and referred to the Committee on Appropriations.

### Resolutions

Mr. Converse of Claremont offered the following resolution:

*Whereas*, One of our members, Perl L. Hutchins, Representative from Claremont, has been removed by death, and

*Whereas*, Representative Hutchins was a former member of the House of Representatives, a veteran of the Mexican Border and a Second Lieutenant in World War I, therefore be it

*Resolved*, That we, the members of the House of Representatives, pay tribute to our fellow member for his faithful service to his city and state, and be it further

*Resolved*, That we extend our heartfelt sympathy to his family in its bereavement, that the Speaker appoint a delegation to attend the funeral services and the Clerk procure a floral tribute, and be it further

*Resolved*, That the Clerk transmit a copy of these resolutions to the widow, Mrs. Hutchins.

The resolution was unanimously adopted by a rising vote.

### Order Vacated

Mr. Converse of Pittsburg moved that the order whereby Senate Bill No. 140, An act relative to bond issue for the Pittsburg School District, was referred to the Committee on Municipal and County Government be vacated and that rules be so far suspended as to dispense with public hearing and that the bill be put on its third reading and final passage at the present time by title only.

The question being on the motion.

(Discussion ensued)

Messrs. Converse of Pittsburg and Clough of Haverhill spoke in favor of the motion.

On a *viva voce* vote the motion was adopted.

The bill was read a third time and passed and sent to the Secretary of State to be engrossed.

### Personal Privilege

Mr. Simms of Claremont rose to a point of personal privilege and stated he was unavoidably detained last Thursday

when the vote was taken on House Bill No. 499 and had he been here he would have voted in favor of the bill.

### Memorial Service

#### 1. VOCAL SELECTION

#### 2. ROLL CALL OF DECEASED MEMBERS

#### IN MEMORIAM

Name and Residence	Death of Death
ERNEST L. SILVER, Plymouth . . . . .	January 4

Elected but not sworn in

FRANK H. PEASLEE, Weare . . . . .	January 9
JOHN H. MCSHEA, Manchester . . . . .	February 7
WILLIAM K. DAVIS, Newton . . . . .	February 18
E. JAMES WINSLOW, Keene . . . . .	February 9
LOUIS H. DOUPHINETTE, Franklin . . . . .	April 29
ROSS L. PIPER, Laconia . . . . .	May 1
MAURICE A. ROBERTS, Orford . . . . .	May 12
SHIRLEY S. PHILBRICK, Rye . . . . .	May 17
JOHN M. TEWKSBURY, Cornish . . . . .	May 23
ANDREW C. ELLIOTT, Milford . . . . .	June 12
OCTAVE J. GOULET, Nashua . . . . .	July 7
PERL L. HUTCHINS, Claremont . . . . .	July 17

#### *Attache*

LENNE C. TOWMBLY, Hill . . . . .	April 8
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#### 3. SCRIPTURE LESSON—John 14:1-6

Jesus said: Let not your heart be troubled; ye believe in God, believe also in Me. In My Father's house are many mansions; if it were not so, I would have told. I go to prepare a place for you. And if I go and prepare a place for you, I will come again, and receive you unto Myself; that where I am, there ye may be also. And whither I go ye know, and the way ye know. Thomas saith unto Him: Lord, we know not whither Thou goest, and how can we know the way? Jesus saith unto him: I am the way, the truth and the life; no man cometh unto the Father but by Me.

## 4. PRAYER—Let us pray

Almighty and ever-living God, Who givest life and takest it away; we pause before Thy Throne in solemn remembrance of those with whom we have lived and labored these past few months, and have now gone on to Thy eternal Kingdom. We thank Thee for their contribution to this Legislature and to the welfare of their state, and that it has been our privilege to be associated with them. Although their voices are stilled, the principles for which they may have stood live on. Help us, our God, to ever remember that the highest tribute we can pay these departed members is to emulate their virtues.

Knowing that Thou dost not willingly afflict or grieve the children of men, look with pity we beseech Thee upon the sorrows of the relatives of these departed members. Remember them, O Lord, in mercy; comfort them with a sense of Thy goodness, and give them peace.

O Lord, support us all the day long of this troublous life, until the shadows lengthen and the evening comes, and the busy world hushed, and the fever of life is over, and our work is done. Then of Thy great mercy grant us a safe lodging, and a holy rest, and peace at the last; through Jesus Christ our Lord.

The Lord bless you and keep you. The Lord make His face to shine upon you and be gracious unto you. The Lord lift up the light of His countenance upon you, and give you peace, both now and evermore. Amen.

## 5. VOCAL SELECTION

On motion of Mr. Wadleigh of Milford the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third reading, by title, of a bill, made in order at the present time.

**Third Reading**

House Bill No. 217, An act providing for a deficiency appropriation for certain departments and institutions for the fiscal year ended June 30, 1948.

Mr. Moore of Bradford offered the following resolution:

*Resolved*, That when the House adjourns today it does so in commemoration of the patriotism of Major General John

Stark and John Langdon, a former Speaker of this House, as follows: At a special session of the Legislature, July 17-19, 1777, of which today is the 172nd anniversary, the second brigade of the State militia was placed under the command of General Stark and directed to proceed to Bennington, and John Langdon, Speaker of the House, took the floor of this House in joint convention to pledge his personal fortune to finance the costs of the expedition, and thus were set in motion the forces which won a brilliant victory at Bennington, one of the decisive battles of the American Revolution.

On a *viva voce* the resolution was adopted.

On motion of Mr. Moore of Bradford at 12:00 o'clock the House adjourned.

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#### WEDNESDAY, JULY 20, 1949

The House met according to adjournment.

Prayer was offered by Rev. William R. Wright, Pastor of First Parish Federated Church, South Berwick, Maine.

Our Gracious Eternal Heavenly Father, we give Thee thanks that there have been those who have given the price that we might have the right of self-government. We are also appreciative of those who are still giving the price to continue that right for this and future generations.

We pray for wisdom for this assembly that the resources of the State of New Hampshire may be preserved for the best good of all. We pray also for statesmanlike vision and consecration that this state may take her part in our Union of States and in so doing act constructively in our increasingly integrated world. May our deliberations assist to bring peace on earth and good will among men.

In Jesus' name we ask it. Amen.

#### Leaves of Absence

Mr. Perry of Jaffrey was granted leave of absence for the day on account of important business.

Mr. Fletcher of Mont Vernon was granted leave of absence for the remainder of the week on account of important business.

### Introduction of Joint Resolution

The following joint resolution was introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Joint Resolution No. 37, Joint resolution in favor of the estate of Perl L. Hutchins. To the Committee on Appropriations.

Mr. Angus of Claremont moved that rules be suspended and printing and reference to committee of House Joint Resolution No. 37, be dispensed with.

On a *viva voce* vote the motion prevailed.

Mr. Angus of Claremont further moved that the rules be suspended, that the joint resolution be put upon its third reading, by title, and final passage, at the present time.

On a *viva voce* vote the motion prevailed.

The joint resolution was read a third time and passed and sent to the Senate for concurrence.

### Introduction of Bill

The following bill was introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Bill No. 533, An act relating to the City of Nashua. To the special committee composed of the members of the Nashua Delegation.

Mr. Velishka of Nashua moved that the rules be suspended, that the printing of House Bill No. 533 be dispensed with.

On a *viva voce* vote the motion prevailed.

Mr. Velishka of Nashua further moved that the rules be suspended to dispense with advertising in Journal, hearing and report of House Bill No. 533.



On a *viva voce* vote the motion prevailed.

Mr. Paquette of Nashua, for the Special Committee consisting of the delegation from the city of Nashua, to whom was referred House Bill No. 533, An act relating to the city of Nashua, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

### Communication

The following letter was read by the Speaker :

CYRIL J. FRETWELL, *Clerk*,  
House of Representatives,  
Concord, New Hampshire

*Dear Mr. Fretwell:*

I gratefully acknowledge receipt of the formal copy of the resolutions on the death of my brother, Henry French Hollis.

On behalf of surviving members of the family, I request you to convey to the House of Representatives, to Mr. Upton, and to Mr. Barry our sincere appreciation of the graceful tribute to our brother and the kindly expressions of sympathy for us.

Respectfully yours,

ALLEN HOLLIS.

### Committee Reports

Mr. Daniels of Ward 1, Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 532, An act making appropriations for capital improvements and long term repairs for the State of New Hampshire, reported the same with the recommendation that the bill ought to pass.

The report was accepted, and the bill ordered to a third reading.

Mr. Cummings of Newport, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 9, Joint resolution creating an interim commission to study the feasibility of consolidating the various retirement systems, reported the same with the following amendment, and the

recommendation that the joint resolution as amended be referred to the Commission of Reorganization:

Amend the joint resolution by striking out all after the word "requested" in the thirteenth line so that said joint resolution as amended shall read as follows:

That the Governor with the advice and consent of the Council shall forthwith appoint an interim commission of five persons, one of whom he shall designate as chairman, whose duty it shall be to investigate and study the feasibility of consolidating the state employees' retirement system, the teachers' retirement system, the policemen's retirement system and the firemen's retirement system into one general retirement system. The commission shall submit its report and recommendations to the next session of the General Court. The officers and employees of all existing retirement boards are directed to assist and co-operate with the commission, to attend its meetings and to compile data and information or to open their books and records for inspection as requested.

The report was accepted, the amendment adopted, and the bill ordered referred to the Commission of Reorganization.

Mr. Sanborn of Wakefield, for the Committee on Appropriations, to whom was referred Senate Joint Resolution No. 18, Joint resolution to establish an interim commission to study the present motor vehicle financial responsibility law, reported the same with the following amendment, and the recommendation that the joint resolution as amended ought to pass:

Amend the joint resolution by striking out all after the word "pay" in the eighth line, so that the joint resolution as amended shall read as follows:

*That* the Governor with the advice and consent of the council, is hereby authorized and directed to appoint a commission of five members for the purpose of making a complete study of the State's present motor vehicle financial responsibility law and related laws, the present methods used in effecting automobile liability insurance, and proposed legislation, the commission to report such recommendations as it may deem advisable to the 1951 session of the General Court, said report and recommendations to be filed on or before December 31,

1950. The members of said commission shall serve without pay.

The report was accepted and the bill ordered to a third reading.

Mr. Fernald of Rochester, for the Committee on Fisheries and Game, to whom was referred House Bill No. 102, An act relative to taking wild deer in certain counties of the state, reported the same with the following amendment and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the title and inserting in place thereof the following:

An act relative to extension of a special appropriation for the fish and game department.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Extension of Appropriation for Fish and Game Improvements.* The appropriation made under the provisions of section 2 of chapter 294 of the Laws of 1947 for improvements and additions to hatcheries, streams and rearing stations of the fish and game department shall not lapse until June 30, 1951. The authority granted by section 3 of said chapter 294 to issue bonds and notes in the name and on behalf of the State of New Hampshire to provide funds for the appropriation made in section 2 of said chapter shall continue for the extension of time provided for in this section.

The report was accepted.

The bill, with the amendment pending, was laid upon the table to be printed.

### **Committee of Conference Report**

The Committee of Conference, to whom was referred House Bill No. 525, An act to legalize proceedings of certain towns, school districts and county delegations and authorize other municipal action, having considered the same, recommend:

1. That the Senate recede from its adoption of its amendment to said bill relative to Rollinsford School District, being section 16 of the amended bill.

2. That the House recede from its position of non-concurrence in the adoption of the amendment to said bill as set forth in sections 14, 15, and 17 and concur in the adoption of said amendments, with the further provision that section 17 be renumbered section 16.

3. That the Senate recede from its position of adopting the amendment as set forth in section 18 of the bill, that the House of Representatives recede from its non-concurrence in the adoption of said amendment and that the Senate and House adopt the following amendment to the bill relative to the city of Dover, renumbered section 17:

17. *City of Dover.* The city of Dover is hereby authorized and empowered to issue its serial bonds or notes for the purpose of construction of new school buildings or for the alterations of present structures, or for the enlargement and improvement of existing school facilities and for the acquisition of school equipment to an amount not exceeding five per cent of the latest assessed valuation of the taxable property of said city. The city of Dover shall not take any action under the authority of this section after December 31, 1951, provided that this limitation shall not affect the validity of any bonds or notes issued under the authority of said section prior to said date. In addition to the authorization for borrowing by said city of Dover provided for in this section, said city shall not incur debt to an amount exceeding three per cent of its last assessed valuation. During the period that this section is in effect all acts relative to borrowing by the city of Dover are hereby suspended, provided that such suspension shall not affect the validity of any bonds or notes issued under the authority of said acts prior to the date of the passage of this act.

4. That the Senate and House adopt the following additional amendments to the bill:

Further amend said bill by adding after section 17 the following new sections:

18. *Milton Highway Reclassification.* The road in the town of Milton known as Pond Road running from Route 16 at the town house to the Maine boundary line being 1.13 miles

in length, now being a part of the secondary classification of highways, is hereby changed to Class V highway.

19. *Surry School Meeting.* The votes and proceedings at the annual meeting of the Surry School District held on the third day of March, 1949, and the special meeting of said school district held the twenty-ninth day of June, 1949, are hereby legalized, ratified and confirmed.

Further amend said bill by renumbering section 19 to read section 20.

RAE S. LARABA,  
THEODORE THOMPSON,  
ISABEL MCPHAIL,

*Conferees on the Part of the House.*

MARYE WALSH CARON,  
ARTHUR J. REINHART,

*Conferees on the Part of the Senate.*

On motion of Mr. Laraba of Portsmouth the rules were suspended, reading of the report was dispensed with.

The question being on the report of the committee.

On a *viva voce* vote the report was adopted.

The Committee of Conference, to whom was referred Senate Bill No. 127, An act relative to the powers of the director of fish and game, having considered the same, recommended that the Senate recede from its position of non-concurrence in the House amendment, that the House recede from its position in adopting its amendment and that the Senate and House adopt the following amendment to the bill:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Fish and Game Director.* Amend chapter 43 of the Revised Laws by inserting after section 2, as amended by chapter 129 of the Laws of 1947 the following new section: 2-a. *Closed Season on Pheasants.* The director, with the approval of the commission, shall have the power and authority to close any area in the state for taking pheasants for the propagation of such game birds. In case the director shall determine to close any area under the authority of this section, he shall publish notice thereof at least once in such a manner

as will fairly acquaint the residents of the locality affected thereby of the provisions of such closure. Such notice shall be given at least two weeks prior to October fifteen in any year.

CHARLES H. WHITTIER,  
WM. G. ZIMMERMAN,  
LLEWELLYN F. FERNALD,

*Conferees on the Part of the House.*

J. L. AINSWORTH,  
FRED G. HAYES, JR.,

*Conferees on the Part of the Senate.*

On a *viva voce* vote the report was adopted.

### Resolutions

Messrs. Sullivan of Ward 7, and Geisel of Manchester, offered the following resolution:

*Whereas*, we have learned of the passing of Frank Murphy of Detroit, Michigan, Associate Justice of the United States Supreme Court, and

*Whereas*, Justice Murphy has held many positions of responsibility including United States Attorney General, Governor of the state of Michigan, Mayor of Detroit, Governor General and High Commissioner of the Philippines, and

*Whereas*, Justice Murphy was a devoted humanitarian, a true friend of labor and an extreme liberal, always on the side of "little people," and a devout Christian, who never drank or smoked, therefore be it

*Resolved*, That we, the members of the House of Representatives of the New Hampshire Legislature, pay tribute to him for his long and faithful service to his city, state and nation, for his extreme devotion to high principles and his innate friendliness and helpfulness to all with whom he came in contact, and be it further

*Resolved*, That we extend our heartfelt sympathy to the family in its bereavement, and that the Clerk transmit a copy of these resolutions to Recorder Judge George Murphy, and Mrs. Margaret Trehan, brother and sister of Justice Murphy, and be it further

*Resolved*, That when the House adjourns today it be in memory of Justice Frank Murphy.

On a *viva voce* vote the resolution was adopted.

Mr. Black of Bennington offered the following resolution:

*Whereas*, we have learned of the death of Henry W. Wilson, of Bennington, former member of the House of Representatives for several sessions, and

*Whereas*, Mr. Wilson filled several positions in his own community, including supervision of checklist and overseer of poor, and justice of the municipal court of Bennington, therefore be it

*Resolved*, That we pay tribute to our former fellow member for his long and faithful service to his town and state, and extend our heartfelt sympathy to his family in its bereavement, and be it further

*Resolved*, That the Clerk transmit a copy of these resolutions to the widow, Mrs. Wilson.

On a *viva voce* vote the resolution was adopted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 435 (in new draft), An act relating to the charter of the city of Portsmouth.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on the following entitled bill:

Senate Bill No. 127, An act relative to the powers of the director of fish and game.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 79, An act to revise the charter of the city of Keene.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act to provide for mayor-councilmen form of charter for the city of Keene.

Amend section 12 of said bill by striking out the same and inserting in place thereof the following:

12. *Takes Effect.* If an act to revise the charter of the city of Keene approved June 29, 1949 is adopted at the special election held in the city of Keene on the second Tuesday in September, 1949, then this act shall be of no effect. If the act hereinbefore mentioned shall not be adopted at said special election in September 1949, then this act shall take effect as follows: so much as relates to the preliminaries for, and the holding and conduct of, the first municipal election under this act shall take effect immediately; for all other purposes this act shall take effect on the first day of January following the first election under this charter.

On motion of Mr. Pickett of Keene the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 399, (in new draft and new title), An act relating to minimum wages for certain employees.

Amend sub-section 25 of section 1 of the bill by striking out all of the sub-section after the words "summer camps for minors," and inserting the following: restaurants, hotels, inns and cabins; so that said sub-section 25 as amended shall read:

25. *Minimum Wages.* No person, firm or corporation shall employ any employees at a rate of less than fifty cents per hour, provided that this limitation shall not apply to employees engaged in household labor, domestic labor, farm labor, outside salesmen, summer camps for minors, restaurants, hotels, inns and cabins.



Mr. Angus of Claremont moved that the House concur in the amendment sent down from the Honorable Senate.

The question being on the motion to concur.

(Discussion ensued)

Messrs. Angus of Claremont, Gouin of Dover, Pickett of Keene, Sullivan of Ward 7, Manchester, and Baron of Claremont and Miss Loizeaux of Plymouth spoke in favor of the motion.

Messrs. Willey of Campton, Sanborn of Wakefield, Barney of Rumney, Tolman of Nelson and Mrs. Brungot of Berlin spoke against the motion.

Mrs. Brungot of Berlin asked for a division.

A division being had 186 members having voted in the affirmative and 127 members having voted in the negative, the House concurred in the amendment sent down from the Honorable Senate.

Mr. Turner of Keene offered the following resolution:

*Resolved*, That the House go into a committee of the whole to consider the budget bills, House Bill No. 211, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1950, and House Bill No. 212, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1951, and state finances in general.

On a *viva voce* vote the resolution was adopted.

### Reconsideration

Mr. Angus of Claremont moved that the House reconsider the vote whereby it voted to concur in the Senate amendment.

On a *viva voce* vote the motion to reconsider did not prevail.

### Committee of the Whole

(Mr. Turner of Keene in the Chair)

(Discussion ensued)

On motion of Mr. Upton of Concord the Committee of the Whole rose.

## House

## Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 211 (in new draft), An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1950.

Amendment to House Bill No. 211, An Act Making Appropriations for the Expenses of the State of New Hampshire for the Year Ending June 30, 1950.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

**1. Appropriations.** The sums hereinafter mentioned are appropriated to be paid out of the treasury of the state for the purposes specified for the fiscal year ending June 30, 1950, to wit:

A continuing appropriation which shall not lapse, shall not be transferred to any department, institution or account, and which shall be the expenses of the legislature, including \$9,600.00 for the office of legislative assistant to the appropriations and finance committees, as provided by section 2, chapter 296 of the Laws of 1947

\$300,000.00

(Salary of assistant \$6,200.00, deputy assistant \$2,500.00, current expenses \$900.00)

Council of state governments 1,000.00

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Total for legislative branch \$301,000.00

For executive branch:

Office of governor:

Salary of governor \$6,000.00

Salary of secretary 4,000.00

Other personal services 6,546.00

Current expenses 3,000.00

Travel 500.00

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Total \$20,046.00

Emergency fund	\$200,000.00	
Contingent fund	7,500.00	
		<hr/>
Total governor's office	\$227,546.00	
For governor's council:		
Per diem (@ \$10.00 per diem)	\$4,000.00	
Travel	2,500.00	
		<hr/>
Total governor's council	6,500.00	
		<hr/>
Total for executive branch	\$234,046.00	
For judicial branch:		
For supreme court:		
Salary of justices	\$47,770.00	
Salary of clerk of court	2,720.00	
Salary of reporter	2,600.00	
Other personal services	2,491.00	
Current expenses	3,300.00	
Travel	1,000.00	
N. H. supreme court reports	3,500.00	
		<hr/>
Total	\$63,381.00	
Less estimated revenue	270.00	
		<hr/>
Net appropriation	\$63,111.00	
For superior court:		
Salary of judges	\$57,000.00	
Other personal services	100.00	
Current expenses	3,350.00	
Travel	6,500.00	
		<hr/>
Total	66,950.00	
For referees and masters:		
Salary of referees	\$3,600.00	
Current expenses	50.00	
		<hr/>
Total	3,650.00	

For judicial council*	\$1,000.00
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For probate court:

Salary of judges	\$23,600.00
Salary of registers	24,060.00
Salary of deputies	11,075.00

Total	58,735.00
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Total for judicial branch	\$193,446.00
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For adjutant general's department:

Office of adjutant general:

Salary of adjutant general	\$6,700.00
Other personal services	11,589.00
Current expenses	3,000.00
Equipment	1,000.00

Total	\$22,289.00
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National guard:

Personal services	\$14,766.00
Current expenses	12,150.00
Travel	2,000.00

Total	28,916.00
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Armories:

Personal services	\$30,000.00
Current expenses	38,700.00
Travel	200.00
Equipment	750.00

Total	69,650.00
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Rifle ranges:

Personal services	\$1,993.00
Current expenses	1,225.00
Equipment	250.00

Total	3,468.00
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\* The funds in this appropriation shall be available for expenditure until June 30, 1951, only.

Officers' uniform allowance		\$6,250.00
Photostating:		
Personal services	\$2,253.00	
Current expenses	1,100.00	
	<hr/>	
Total		3,353.00
Maintenance Grenier field:		
Personal services	\$4,623.00	
Current expenses	3,300.00	
Equipment	250.00	
	<hr/>	
Total		8,173.00
Maintenance Concord military reservation:		
Current expenses	\$3,125.00	
Equipment	500.00	
	<hr/>	
Total		3,625.00
Drill expenses—travel		1,000.00
War service recognition:		
Current expenses		300.00
		<hr/>
Total adjutant general's department	\$147,024.00	
Less estimated revenue	2,500.00	
	<hr/>	
Total net appropriation		\$144,524.00
For department of agriculture:		
Office of commissioner:		
Salary of commissioner	\$5,200.00	
Other personal services	16,479.90	
Current expenses	2,885.00	
Travel	6,000.00	
Equipment	175.00	
Other expenditures	10,000.00	
	<hr/>	
Total		\$40,739.90
Bureau of markets:		
Personal services	\$15,963.30	
Current expenses	11,271.50	

Travel	\$3,000.00	
Other expenditures	850.00	
	<hr/>	
Total		31,084.80

## Division of animal husbandry :

Salary of state veterinarian	\$4,940.00	
Other personal service	22,254.30	
Current expenses	5,967.00	
Travel	4,000.00	
Other expenditures	38,010.00	
	<hr/>	
Total		75,171.30

Insect and plant disease suppression  
and control:

Personal services	\$13,848.30	
Current expenses	1,085.00	
Travel	2,000.00	
Equipment	350.00	
	<hr/>	
Total		17,283.30

## Grants:\*

Board of Veterinary Examiners	200.00	
	<hr/>	

Total for department of agriculture \$164,479.30

## For attorney general:

## Office of attorney general:

Salary of attorney general	\$6,600.00	
Salary of assistant attorney general	4,600.00	
Other personal services	21,854.00	
Current expenses	2,000.00	
Travel	900.00	
Equipment	400.00	
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Total		\$36,354.00

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\* The provisions of section 8, chapter 231 of the Revised Laws is suspended for the fiscal year ending June 30, 1950.

## Register of public trusts:

Director	\$3,500.00
Personal services	2,951.00
Current expenses	425.00
Travel	200.00
Equipment	100.00

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Total	7,176.00
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Fees for registers of probate	4,250.00
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## Legacy tax:

Current expenses	\$1,300.00
Travel	100.00
Equipment	300.00

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Total	1,700.00
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Total for attorney general	\$49,480.00
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## For comptroller:

## Office of comptroller:

Salary of comptroller	\$6,200.00
Other personal services	39,370.00
Current expenses	4,575.00
Travel	2,000.00
Equipment	295.00

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Total	\$52,440.00
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## Travel bureau:

Personal services	\$5,033.00
Current expenses	275.00

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Total	5,308.00
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## Other expenditures:

State House Annex sinking fund	16,000.00
2% Assessment—state police	9,000.00
Firemen's relief	4,000.00
League of N. H. Arts and Crafts	6,000.00
Atlantic Marine Fisheries	700.00
Classification plan board	750.00

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Total for comptroller's department	\$94,198.00
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## For forestry and recreation commission:

## For forestry:

## Administration:

Salary of forester	\$5,470.00
Other personal services	19,177.33
Current expenses	4,075.00
Travel	650.00
Equipment	250.00

Total	<hr/>	\$29,622.33
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## Nursery:

Personal services	\$8,495.00
Current expenses	3,195.00
Equipment	150.00

Total	<hr/>	11,840.00
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## Reforestation:

Personal services	\$1,745.00
Travel	900.00

Total	<hr/>	2,645.00
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## District fire supervision:

Personal services	\$7,926.75
Current expenses	1,100.00
Travel	2,000.00
Equipment	250.00

Total	<hr/>	11,276.75
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## Lookout stations:

Personal services	26,250.00
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## Fire control training:

Current expenses	\$1,800.00
Other expenditures	3,000.00

Total	<hr/>	4,800.00
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## Prevention of fires:

Personal services	\$4,911.00
Current expenses	2,575.00
Travel	300.00



Equipment	\$2,000.00	
Other expenditures	1,000.00	
Total		10,786.00
Forest fire bills to towns		10,000.00
White pine blister rust control:		
Personal services	\$10,493.00	
Current expenses	900.00	
Travel	850.00	
Total		12,243.00
Federal Norris-Doxey Co- operative Program:		
Personal services	\$7,250.00	
Current expenses	664.00	
Travel	3,250.00	
Equipment	150.00	
Total		11,314.00
Total for forestry		\$130,777.08
For recreation:		
General:		
Salary of director	\$5,260.00	
Other personal services	98,076.00	
Current expenses	113,515.00	
Travel	6,000.00	
Equipment	23,000.00	
Other expenditures:		
Interest on bonds	4,000.00	
Wallis Sands project	1,000.00	
Total		\$250,851.00
Franconia notch:		
Managing director	\$6,205.00	
Other personal services	64,132.00	
Current expenses	79,100.00	
Travel	1,000.00	

Equipment	\$8,000.00	
Total		158,437.00
Mount Sunapee state park:		
Managing director	\$4,500.00	
Other personal services	50,290.15	
Current expenses	31,100.00	
Travel	1,000.00	
Equipment	5,500.00	
Other expenditures:		
Stock in trade	40,000.00	
Bonds—principal and interest	30,100.00	
Total		162,490.15
Total for recreation		\$571,778.15
*Less estimated revenue		570,778.15
Net appropriation for recreation		\$1,000.00
For insurance department:		
Office of commissioner:		
Salary of commissioner	\$6,200.00	
Salary of deputy commissioner	5,260.00	
Other personal services	19,403.00	
Current expenses	5,430.00	
Travel	1,100.00	
Equipment	300.00	
Total		\$37,693.00
For rating division:		
Personal services	\$3,846.00	
Current expenses	1,800.00	
Travel	500.00	
Equipment	500.00	
Total		6,646.00
Total for insurance department		\$44,339.00

\* In the above appropriation any revenue in excess of the estimate shall be available for such expenditure as the governor and council shall approve.

## For bureau of labor:

## Office of commissioner:

Salary of commissioner	\$5,440.00
Other personal services	6,970.00
Current expenses	2,025.00
Travel	1,500.00
Equipment	300.00

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Total	\$16,235.00
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## Minimum wage:

Personal services	\$5,681.00
Current expenses	840.00
Travel	2,000.00

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Total	8,521.00
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## Factory inspection:

Personal services	\$11,171.00
Current expenses	1,000.00
Travel	3,000.00

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Total	15,171.00
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## Industrial accident commission:

Personal services	\$10,925.00
Current expenses	4,075.00
Travel	200.00
Equipment	150.00

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Total	15,350.00
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## New Hampshire apprenticeship council:

Current expenses	500.00
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Total for bureau of labor	\$55,777.00
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## For motor vehicle department:

## Administration:

Salary of commissioner	\$5,940.00
Salary of deputy commissioner	5,000.00
Other personal services	105,755.00
Current expenses	120,000.00

Travel	\$2,000.00	
Equipment	6,000.00	
Other expenditures:		
Employees' retirement	8,800.00	
Total		\$253,495.00
Gasoline road toll:		
Personal services	\$14,704.00	
Current expenses	2,600.00	
Travel	2,500.00	
Equipment	500.00	
Total		20,304.00
Motor vehicle patrol:		
Personal services	\$37,121.00	
Current expenses	1,200.00	
Travel	22,000.00	
Equipment	9,000.00	
Total		69,321.00
Total for motor vehicle department		\$343,120.00
Less revenue		343,120.00
Net appropriation		0.00
For purchasing agent:		
Salary of purchasing agent	\$5,820.00	
Other personal services	23,099.00	
Current expenses	4,150.00	
Travel	150.00	
Equipment	400.00	
Total for purchasing agent		\$33,619.00
For secretary of state:		
Office of secretary:		
Salary of secretary	\$5,880.00	
Salary of deputy secretary	4,320.00	

Other personal services	\$16,047.00
Current expenses	2,100.00
Travel	400.00
Equipment	200.00
Other expenditures:	
Secretaries convention	1,500.00

Total	<hr/>	\$30,447.00
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## Direct primary:

Personal services	\$50.00
Current expenses	6,700.00
Travel	50.00

Total	<hr/>	6,800.00
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## General election:

Current expenses	7,700.00
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## Photostat division:

Personal services	\$3,105.00
Current expenses	625.00

Total	<hr/>	3,730.00
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Total for secretary of state	<hr/>	\$48,677.00
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## For state library:

## Administration:

Salary of librarian	\$3,950.00
Salary of assistant librarian	3,260.00
Other personal services	41,352.98
Current expenses	6,250.00
Travel	700.00
Equipment	10,800.00

## Other expenditures:

Microfilming	1,000.00
War records	5,000.00

Total	<hr/>	\$72,312.98
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## Extension :

Current expenses	\$3,500.00	
Travel	2,250.00	
Equipment	8,000.00	
Other expenditures:		
Summer institute	400.00	
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Total		\$14,150.00
State aid		1,000.00
		<hr/>
Total for state library		\$87,462.98

## For state police:

Salary of superintendent	\$5,940.00	
Other personal services	204,941.00	
Current expenses	79,675.00	
Travel	17,000.00	
Equipment	30,000.00	
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Total for state police		\$337,556.00
Less transfer from highway fund		286,920.00
		<hr/>
Net appropriation		\$50,636.00

## For buildings and grounds:

## General:

Salary of superintendent	\$3,700.00
Other personal services	92,335.50
Current expenses	61,271.00
Equipment	50.00

## Other expenditures:

Toilets for legislature	1,400.00
Library lights	500.00
Repairs state house roof	1,500.00
Hannah Dustin bridge	600.00

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Total	\$161,356.50

## Mailing division:

Personal services	\$5,737.00
Current expenses	700.00
Equipment	229.00

Total	6,666.00
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## Franklin Pierce homestead:

Personal services	\$355.00
Current expenses	300.00

Total	655.00
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## Daniel Webster birthplace:

Personal services	\$250.00
Current expenses	875.00
Travel	29.00

Total	1,154.00
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Total for buildings and grounds	\$169,831.50
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## For state treasury:

## Office of treasurer:

Salary of treasurer	\$5,880.00
Salary of deputy	3,760.00
Other personal services	25,295.50
Current expenses	6,365.00
Travel	200.00
Equipment	150.00

Total	\$41,650.50
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## Highway division:

Personal services	\$7,366.50
Current expenses	4,900.00
Equipment	1,000.00

Total	\$13,266.50
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Less transfer from highway fund	13,266.50
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Net appropriation	0.00
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## Intangible tax:

Personal services	\$3,180.00
Current expenses	375.00

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Total	\$3,555.00
Less revenue	3,555.00

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Net appropriation	0.00
Bounties	15,000.00
Trust funds	37,087.27

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Total for state treasury	\$93,737.77
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## For weights and measures:

Salary of commissioner	\$4,700.00
Other personal services	11,715.00
Current expenses	2,000.00
Travel	3,000.00
Equipment	200.00

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Total for weights and measures	\$21,615.00
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## For industrial school:

## Administration:

Salary of superintendent	\$5,260.00
Other personal services	9,239.70
Current expenses	2,460.00
Travel	950.00
Equipment	200.00

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Total	\$18,109.70
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## Instruction:

Personal services	\$9,994.80
Current expenses	1,300.00
Equipment	750.00

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Total	12,044.80
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## Custodian care:

Personal services	\$42,378.40
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Current expenses	\$28,150.00	
Equipment	2,000.00	
Total		72,528.40
Auxiliary to custodian care:		
Personal services	\$5,732.00	
Current expenses	200.00	
Travel	300.00	
Equipment	500.00	
Total		6,732.00
Operation of plant:		
Personal services	\$4,095.30	
Current expenses	25,000.00	
Equipment	500.00	
Total		29,595.30
Maintenance of plant:		
Personal services	\$7,193.30	
Current expenses	3,200.00	
Equipment	300.00	
Total		10,698.30
Agriculture:		
Personal services	\$4,963.00	
Current expenses	22,400.00	
Equipment	1,000.00	
Total		28,363.00
Parole:		
Personal services	\$2,018.70	
Current expenses	250.00	
Travel	1,500.00	
Equipment	350.00	
Total		4,118.70
Total for industrial school		\$182,190.20
Less revenue		2,750.00
Net appropriation		\$179,440.20

## For Laconia state school:

## Administration:

Salary of superintendent	\$5,600.00
Other personal services	10,618.25
Current expenses	1,250.00
Travel	1,500.00
Equipment	125.00

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Total	\$19,093.25
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## Professional care and treatment:

Personal services	\$108,655.00
Current expenses	4,535.00
Travel	50.00
Equipment	225.00

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Total	113,465.00
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## Custodial care:

Personal services	\$35,095.00
Current expenses	90,000.00
Travel	30.00
Equipment	1,500.00
Other expenditures	100.00

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Total	126,725.00
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## Operation of plant:

Personal services	\$15,155.00
Current expenses	40,000.00

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Total	55,155.00
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## Maintenance of plant:

Personal services	\$10,751.00
Current expenses	4,865.00

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Total	15,616.00
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## Agriculture:

Personal services	\$30,618.00
Current expenses	60,000.00

Travel	\$35.00	
Equipment	30.00	
Total		90,683.00
Total for Laconia state school		\$420,737.25
Less revenue		1,000.00
Net appropriation		\$419,737.25
For soldiers' home:		
Office of the commandant:		
Salary of commandant	\$2,760.00	
Other personal services	1,791.00	
Current expenses	515.00	
Travel	75.00	
Total		\$5,141.00
Custodial care:		
Personal services	\$9,745.00	
Current expenses	13,000.00	
Total		22,745.00
Professional care and treatment:		
Personal services	\$6,844.00	
Current expenses	900.00	
Total		7,744.00
Operation of plant:		
Personal services	\$7,878.16	
Current expenses	5,595.80	
Total		13,473.96
Maintenance of plant:		
Current expenses		625.00
Total for soldiers' home		\$49,728.96

## For state hospital:

## Administration:

Salary of superintendent	\$10,000.00
Other personal services	96,643.00
Current expenses	11,565.00
Travel	3,900.00
Equipment	500.00
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Total	\$122,608.00

## Professional care and treatment:

Personal services	\$675,000.00
Current expenses	46,602.00
Travel	2,075.00
Equipment	4,500.00
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Total	728,177.00

## Custodial care:

Personal services	\$226,555.00
Current expenses	521,415.00
Travel	75.00
Equipment	12,500.00
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Total	760,545.00

## Operation of plant:

Personal services	\$59,832.00
Current expenses	215,000.00
Travel	1,400.00
Equipment	3,500.00
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Total	279,732.00

## Maintenance of plant:

Personal services	\$80,805.00
Current expenses	15,880.00
Travel	80.00
Equipment	1,200.00
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Total	97,965.00

## Agriculture:

Personal services	\$29,440.00	
Current expenses	67,370.00	
Travel	50.00	
Equipment	3,311.00	
	<hr/>	
Total		100,171.00
		<hr/>
Total for state hospital	\$2,089,198.00	
Less revenue	6,300.00	
	<hr/>	
Net appropriation		\$2,082,898.00

## For state prison:

## Administration:

Salary of warden	\$5,680.00	
Other personal services	7,697.00	
Current expenses	981.00	
Travel	500.00	
Equipment	350.00	
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Total		\$15,208.00

## Instruction:

Personal services	2,700.00
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## Custodial care:

Salary of deputy warden	\$3,035.00	
Other personal expenses	91,671.00	
Current expenses	80,840.00	
Equipment	1,100.00	
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Total		176,646.00

## Auxiliary to prison care:

Personal services	\$6,000.00	
Current expenses	4,680.00	
Other expenditures—awards	1,250.00	
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Total		11,930.00

## Operation of plant:

Personal services	\$5,022.00
Current expenses	7,800.00

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Total	12,822.00
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## Maintenance of plant:

Current expenses	9,667.50
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## Agriculture:

Personal services	\$6,905.00
Current expenses	18,045.00

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Total	\$24,950.00
Less transfer	12,000.00

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Net total	12,950.00
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## Parole:

Personal services	\$10,700.00
Current expenses	1,560.00
Travel	3,000.00
Equipment	175.00

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Total	15,435.00
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Total for state prison	\$257,358.50
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Less revenue	16,028.00
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Net appropriation	\$241,330.50
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## For state sanatorium:

## Administration:

Salary of superintendent	\$5,700.00
Other personal services	4,150.00
Current expenses	1,335.00
Travel	1,100.00
Equipment	150.00

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Total	\$12,435.00
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## Professional care:

Personal services	\$52,192.00
Current expenses	9,010.00
Equipment	600.00

Total	61,802.00
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## Custodial care:

Personal services	\$22,457.00
Current expenses	38,950.00
Equipment	250.00

Total	61,657.00
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## Operation of plant:

Personal services	\$17,728.00
Current expenses	20,305.00
Equipment	500.00

Total	38,533.00
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## Maintenance of plant:

Personal services	\$500.00
Current expenses	3,350.00
Equipment	250.00

Total	4,100.00
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## Agriculture:

Personal services	\$5,694.00
Current expenses	8,111.00
Equipment	1,090.00

Total	14,895.00
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Total for state sanatorium	\$193,422.00
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## For University of New Hampshire:

Millage fund*	\$950,000.00
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\* This amount to be in lieu of the amount provided by section 18, chapter 222 of the Revised Laws, as amended by section 1, chapter 37 of the Laws of 1947, which said sections are hereby suspended for the fiscal year ending June 30, 1950.

Extension work in counties	\$61,000.00
<b>Total</b>	<b>\$1,011,000.00</b>
For barbers' board:	
Personal services	\$2,793.00
Current expenses	516.00
Travel	800.00
<b>Total for barbers' board</b>	<b>\$4,109.00</b>
Less revenue	4,109.00
<b>Net appropriation</b>	<b>0.00</b>
For chiropractic examiners:	
Personal services	\$375.00
Current expenses	200.00
Travel	325.00
<b>Total for chiropractic examiners</b>	<b>\$900.00</b>
For board of education:	
Administration:	
Salary of commissioner	\$8,450.00
Salary of deputy	3,414.00
Other personal services	74,214.85
Current expenses	14,000.00
Travel	10,000.00
Equipment	2,000.00
<b>Total</b>	<b>\$112,078.85</b>
Equalization:	
Transportation, etc.	\$4,000.00
*State aid to school districts	400,000.00
<b>Total</b>	<b>404,000.00</b>

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\* This sum to be distributed in accordance with the provisions of section 2 hereof.



## State wide supervision :

Personal services (net)	\$120,025.00
Other expenditures:	
Superintendents' conference	1,750.00

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Total	121,775.00
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## Smith-Hughes—(state) :

Personal services	\$5,365.20
Current expenses	250.00
Travel	1,200.00

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Total	6,815.20
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## Vocational rehabilitation (state) :

Current expenses	\$18,900.00
Travel	500.00
Equipment	600.00

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Total	20,000.00
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## George Barden (state) :

Personal services	\$6,358.40
Current expenses	300.00
Travel	2,000.00

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Total	8,658.40
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## State trade school—Manchester :

Personal services	\$79,324.07
Current expenses	25,420.00
Travel	500.00
Equipment	5,000.00
Other expenditures	150.00

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Total	110,394.07
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## State trade school—Portsmouth :

Personal services	\$55,629.00
Current expenses	24,600.00
Travel expenses	600.00
Equipment	2,500.00

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Total	83,329.00
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Trade school division		
(Concord Office) :		
Personal services	\$9,567.00	
Current expenses	1,500.00	
Travel	1,000.00	
	<hr/>	
Total		12,067.00
Area vocational schools :		
Personal services	\$1,923.00	
Current expenses	400.00	
Travel	1,200.00	
Equipment	10,000.00	
	<hr/>	
Other expenditures :		
Reimbursements to school districts	82,000.00	
	<hr/>	
Total		95,523.00
On-the-job training for veterans :		
Current expenses	\$2,660.00	
Equipment	350.00	
	<hr/>	
Total		3,010.00
School lunch program :		
Personal services	\$4,800.00	
Current expenses	900.00	
Travel	1,000.00	
	<hr/>	
Total		6,700.00
Keene teachers college :		
Personal services	\$251,430.00	
Current expenses	153,600.00	
Travel	1,500.00	
Equipment	6,000.00	
	<hr/>	
Total		412,530.00
Plymouth teachers college :		
Personal services	\$171,000.00	
Current expenses	91,025.00	

Travel	\$1,000.00
Equipment	8,500.00
Total	271,525.00

## Education of deaf:

Current expenses	\$40,000.00
Equipment	1,000.00

Total	41,000.00
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Board of nurse examiners	3,750.00
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Total for board of education	\$1,713,155.52
Less revenue	610,375.00

Net appropriation	\$1,102,780.52
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In addition to the above appropriation said department shall receive for disbursement the income of the teachers colleges' dormitories and practice schools, revenue from tuitions received by the Manchester and Portsmouth state trade schools, and the sums paid by school districts for the salaries of superintendents under section 44, chapter 135 of the Revised Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

## For board of health:

## Administration:

Salary of state health officer	\$7,260.00
Other personal services	9,253.00
Current expenses	12,955.24
Travel	200.00
Total	\$29,668.24

## Finance:

Personal services	\$10,343.00
Current expenses	950.00
Equipment	200.00
Total	11,493.00

## Hospital services:

Personal services	\$8,528.00	
Current expenses	200.00	
Travel	300.00	
	<hr/>	
Total		9,028.00

## Vital statistics:

Personal services	\$11,062.00	
Current expenses	1,650.00	
	<hr/>	
Total		12,712.00

## Public health nursing:

Personal services	\$29,666.00	
Current expenses	2,166.60	
Travel	4,800.00	
	<hr/>	
Total		36,632.60

## Communicable disease control:

Personal services	\$22,831.40	
Current expenses	60,000.00	
Travel	1,500.00	
Equipment	300.00	
	<hr/>	
Total		84,631.40

## Dental services:

Personal services	\$11,993.00	
Current expenses	1,466.00	
Travel	800.00	
	<hr/>	
Total		14,259.00

Maternal and child health and  
crippled children:

Personal services	\$16,484.00	
Current expenses	5,000.00	
Travel	400.00	
	<hr/>	
Total		21,884.00

## Industrial hygiene:

Personal services	\$16,461.00
Current expenses	700.00
Travel	1,500.00
Equipment	1,075.00

## Total

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 19,736.00

## Diagnostic laboratories:

Personal services	\$20,905.00
Current expenses	4,950.00
Travel	100.00
Equipment	500.00
Other expenditures	1,420.00

## Total

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 27,875.00

## Food and chemistry:

Personal services	\$40,262.50
Current	2,300.00
Travel	11,100.00
Equipment	500.00

## Total

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 54,162.50

## Sanitary engineering:

Personal services	\$23,712.50
Current expenses	1,450.00
Travel	4,000.00
Equipment	500.00

## Total

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 29,662.50

Total for board of health

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 \$351,744.24

Less revenue

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 1,040.00

Net appropriation

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 \$350,704.24

## For board of registration in medicine:

Personal services	\$525.00
Current expenses	250.00

Travel	\$275.00	
Equipment	50.00	
Total	\$1,100.00	
Less revenue	1,100.00	
Net appropriation		0.00
For board of optometry:		
Personal services	\$150.00	
Current expenses	150.00	
Travel	50.00	
Total for board of optometry		\$350.00
For board of inebriates:		
Salary of executive director	\$5,000.00	
Other personal services	8,736.00	
Current expenses	3,510.00	
Travel	1,250.00	
Equipment	450.00	
Total for board of inebriates		\$18,946.00
For board of fire control:		
Salary of fire marshal	\$5,000.00	
Other personal services	7,742.00	
Current expenses	2,500.00	
Travel	2,000.00	
Total for board of fire control		\$17,242.00
For milk control board:		
Personal services	\$9,353.00	
Current expenses	950.00	
Travel	1,500.00	
Total for milk control board		\$11,803.00

## For probation board:

Personal services	\$61,538.00
Current expenses	6,575.00
Travel	13,000.00
Equipment	1,000.00

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Total for probation board	\$82,113.00
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## For board of public welfare:

## Administration:

Salary of commissioner	\$5,700.00
Other personal services	64,766.00
Current expenses	17,485.00
Travel	4,180.00
Equipment	1,000.00

## Other expenditures:

Merit system	3,500.00
Employees retirement	11,000.00

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Total	\$107,631.00
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## State services:

Personal services	\$10,014.00
Current expenses	225.00
Travel	800.00
Equipment	250.00

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Total	11,289.00
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## Field services:

Personal services	\$207,740.00
Current expenses	28,332.00
Travel	27,600.00
Equipment	4,100.00

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Total	267,772.00
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## Blind services:

Personal services	\$17,570.00
Current expenses	1,460.00
Travel	2,365.00

Equipment	\$250.00	
Grants	28,000.00	
		<hr/>
Total		49,645.00
Child welfare services:		
Personal services	\$21,698.00	
Travel	4,600.00	
		<hr/>
Total		26,298.00
Aid to dependent children (State's share)		1,268,663.18
Special children's aid		2,500.00
Aid to needy blind (state's share)		98,231.77
Vocational rehabilitation:		
Grants		10,000.00
John Nesmith fund		3,700.00
Old age assistance (state's share)		969,415.80
		<hr/>
Total for board of public welfare	\$2,815,145.75	
Less revenue	\$157,739.00	
Less balance	851,515.68	
		<hr/>
		1,009,254.68
		<hr/>
Net appropriation		\$1,805,891.07
For veterans' council:		
Personal services	\$10,325.00	
Current expenses	1,260.00	
Travel	4,000.00	
Burial claims	10,000.00	
		<hr/>
Total for veterans' council		\$25,585.00
For water resources board:		
Personal services	\$10,097.00	
Current expenses	700.00	
Travel	1,200.00	



Equipment	\$100.00	
Total		\$12,097.00
Less transfer from Pittsburg project		5,000.00
Net appropriation		\$7,097.00
• Water control commission:		
Personal services	\$10,027.50	
Current expenses	600.00	
Travel	1,000.00	
Equipment	75.00	
Total		11,702.50
Stream flow gauging	\$10,000.00	
Less transfers from highway fund	2,750.00	
Net appropriation		7,250.00
Total for water resources board		\$26,049.50
For state housing board:		
Personal services	\$9,747.00	
Current expenses	800.00	
Travel	650.00	
Equipment	108.00	
Total for state housing board		\$11,305.00
For uniform state laws		\$400.00
For aeronautics commission:		
Salary of director	\$4,760.00	
Other personal services	10,231.00	
Current expenses	2,645.00	
Travel	2,250.00	
Equipment	100.00	
Total for aeronautics commission		\$19,986.00
Less revenue and balance		19,986.00
Net appropriation		0.00

## For bank commission:

Salary of commissioner	\$6,295.00
Salary of deputies	8,820.00
Other personal services	31,343.00
Current expenses	5,300.00
Travel	9,500.00
Equipment	832.00

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Total for bank commission	\$62,090.00
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*Less revenue	45,578.00
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Net appropriation	\$16,512.00
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## For cancer commission:

Personal services	\$17,204.00
Current expenses	39,225.00
Travel	1,350.00
Equipment	150.00

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Total for cancer commission	\$57,929.00
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Less revenue	8,500.00
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Net appropriation	\$49,429.00
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## For liquor commission:

## Liquor administration:

Salary of commissioners, one-half	\$8,580.00
Other personal services	60,208.00

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\* The bank commissioner shall collect from the institutions, the condition and management of which the bank commissioner is required to examine under the provisions of section 8 of chapter 307 of the Revised Laws as the total cost of such examination, the sum of \$45,578 annually and each such institution shall pay to the state annually within thirty days after receipt by it of notice of assessment, such proportion of the total sum collectable hereunder as its assets bear to the total assets of all such institutions as shown by the reports of the bank commissioner as of the thirtieth of June preceding such payments. Sums collected under the provisions hereof shall be credited to the appropriation for the bank commissioner.

Current expenses	\$28,150.00	
Travel	3,500.00	
Equipment	1,500.00	
	<hr/>	
Total		\$101,938.00
Beer administration:		
Salary of commissioners, one-half	\$8,580.00	
Other personal services	57,807.00	
Current expenses	14,350.00	
Travel	25,000.00	
Equipment	1,500.00	
	<hr/>	
Total		107,237.00
Liquor enforcement:		
Personal services	\$10,981.00	
Current expenses	725.00	
Travel	7,000.00	
Equipment	50.00	
	<hr/>	
Total		18,756.00
Stores:		
Personal services	\$389,636.00	
Current expenses	199,450.00	
Travel	6,000.00	
Equipment	10,000.00	
	<hr/>	
Total		605,086.00
Warehouse:		
Personal services	\$51,159.00	
Current expenses	33,100.00	
Travel	100.00	
Equipment	3,000.00	
	<hr/>	
Total		87,359.00
Total for liquor commission		\$920,376.00
Less revenue		920,376.00
		<hr/>
Net appropriation		0.00

## For pharmacy commission:

Personal services	\$1,600.00
Current expenses	235.00
Travel	700.00

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Total for pharmacy commission	\$2,535.00
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For planning and development  
commission:

## Administration:

Salary of director	\$5,200.00
Other personal services	54,800.00
Current expenses	70,000.00
Travel	4,000.00
Equipment	1,000.00
Other expenditures:	
Tourist service	2,000.00
Regional associations*	16,950.00
Wood waste utilization	2,000.00

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Total for planning and de- velopment commission	\$155,950.00
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Less revenue	2,650.00
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Net appropriation	\$153,300.00
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## For public service commission:

Salary of commissioners	\$20,100.00
Other personal services	60,524.00
Current expenses	23,545.00
Travel	6,000.00
Equipment	500.00
Aids to navigation	1,600.00

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\* This appropriation shall be administered by the state planning and development commission for the aid of regional development associations. Not more than \$2,825.00 may be allotted by the commission to any one regional association whose bounds, form of organization and program shall first have been approved by the commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriation.

Total for public service	
commission	\$112,269.00
Less estimated revenue*	43,000.00
Net appropriation	<u>\$69,269.00</u>

## For racing commission:

Salary of commissioners	\$5,400.00
Other personal services	25,156.00
Current expenses	3,200.00
Travel	3,300.00
Equipment	700.00
Other expenditures:	
Employees retirement	400.00
Total for racing commission	<u>\$38,156.00</u>
Less revenue	38,156.00
Net appropriation	<u>0.00</u>

## For state tax commission:

## Office of commission:

Salary of two commissioners	\$8,580.00
Salary of secretary	5,260.00
Other personal services	20,331.00
Current expenses	6,980.00
Travel	5,000.00
Equipment	590.00
Total	<u>\$46,741.00</u>

## Interest and dividends division:

Personal services	\$11,986.00
Current expenses	2,200.00
Travel	500.00
Equipment	250.00
Total	<u>\$14,936.00</u>
Less revenue	14,936.00
Net appropriation	<u>0.00</u>

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\* Any income in excess of the above estimate shall be available for such further expenditure as the governor and council shall approve.

## Utilities tax:

Personal services	\$3,373.00
Current expenses	150.00
Travel	150.00

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Total	\$3,673.00
Less revenue	3,673.00

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Net appropriation	0.00
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## Tobacco products:

Personal services	\$20,693.00
Current expenses	13,700.00
Travel	7,500.00

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Total	41,893.00
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## Municipal accounting division:

Personal services	\$23,474.00
Current expenses	1,225.00
Travel	5,000.00
Equipment	225.00

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Total	\$29,924.00
Less revenue	17,900.00

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Net appropriation	12,024.00
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Total net appropriation for tax commission	\$100,658.00
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## For water pollution commission:

Personal services	\$18,632.00
Current expenses	5,000.00
Travel	5,500.00
Equipment	750.00

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Total for water pollution commission	\$29,882.00
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For firemen's retirement system	\$27,500.00
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For policemen's retirement system	\$59,000.00
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For teachers' retirement system	\$44,120.00
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## For employees' retirement system:

Personal services	\$14,818.00
Current expenses	1,358.00
Travel	600.00
Equipment	55.00
Other expenditures	94,000.00

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Total for employees' retirement system	\$110,831.00
Less revenue	4,000.00

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Net appropriation	\$106,831.00
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## For mental hygiene clinics and study home:

Salary of director	\$5,653.00
Other personal services	18,639.42
Current expenses	5,537.00
Travel	1,500.00
Equipment	250.00

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Total for mental hygiene clinics and study home	\$31,779.42
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For board of accountancy:	\$601.00
Less revenue	601.00

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Net appropriation	0.00
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## For fish and game commission:

## Commission:

Current expenses	\$335.00
Travel	1,000.00
Employees' retirement	16,000.00

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Total	\$17,335.00
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## Administration:

Salary of director	\$5,200.00
Other personal services	20,140.00
Current expenses	30,360.00
Travel	1,000.00

Equipment	\$1,000.00	
Total		57,700.00
Conservation service:		
Personal services	\$85,759.00	
Current expenses	11,150.00	
Travel	57,500.00	
Equipment	7,600.00	
Total		162,009.00
Education:		
Personal services	\$6,506.00	
Current expenses	7,725.00	
Travel	2,000.00	
Equipment	2,750.00	
Shows	6,000.00	
Total		24,981.00
Research:		
Personal services	\$19,949.00	
Current expenses	5,260.00	
Travel	2,000.00	
Equipment	2,500.00	
Total		29,709.00
Propagation of fish:		
Personal services	\$98,573.00	
Current expenses	163,310.00	
Travel	7,500.00	
Equipment	8,400.00	
Total		277,783.00
Propagation of game:		
Personal services	\$4,000.00	
Current expenses	29,900.00	
Travel	1,000.00	
Equipment	1,500.00	
Total		36,400.00



## Pittman-Robertson:

Personal services	\$22,958.00
Current expenses	6,615.00
Travel	4,000.00
Equipment	1,350.00

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Total	34,923.00
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## Damage:

Personal services	\$7,000.00
Current expenses	11,557.00
Travel	1,800.00
Damage awards	6,000.00

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Total	26,357.00
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Bobcat bounties	4,000.00
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Total for fish and game	\$671,197.00
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Less estimated revenue*	671,197.00
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Net appropriation	0.00
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## For board of hairdressers:

Personal services	\$3,250.00
Current expenses	1,325.00
Travel	1,200.00
Equipment	200.00

## Other expenditures:

Employees' retirement system	100.00
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## Total for hairdressers'

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board	\$6,075.00
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Less revenue	6,075.00
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Net appropriation	0.00
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\* In addition to the above appropriation the fish and game department shall receive for such disbursement as the governor and council shall approve, any income received in excess of the above estimate, including any unexpended balance for the fiscal year ending June 30, 1949.

## For prison industries:

Personal services	\$47,556.00
Current expenses	94,650.00
Travel	500.00
Equipment	2,000.00
<hr/>	
Total for prison industries	\$144,706.00
Less revenue	144,706.00
<hr/>	
Net appropriation	0.00

## For aerial tramway:

Personal services	\$120,235.50
Current expenses	43,801.10
Travel	1,000.00
Equipment	2,500.00
Contracts	260.00
Stock in trade	50,000.00
Bonds—principal and interest	15,225.00
Employees' retirement system	6,029.90
New trail—summit to valley	8,000.00
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Total for aerial tramway	\$247,051.50
Less revenue	247,051.50
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Net appropriation	0.00
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Total net appropriation	\$10,241,087.29

**2. Aid to Education.** The appropriation for educational aid made under the provisions of this act and the act making appropriations for the year ending June 30, 1951 shall be expended under the provisions of the following plan:

I. For equalizing educational opportunity and improving the public schools, below college grade, with the definite aim of extending school terms, stimulating local interest and improving, through better instruction, gradation and supervision, all rural schools and schools in sparsely settled localities.

II. In any district in which a sum equal to one-half of one per cent of the equalized valuation of the district, on which the

state tax is apportioned, is insufficient to maintain the required elementary and special schools and to purchase the required textbooks, scholars' supplies, flags and appurtenances, the state board shall provide the balance of the money necessary from the money appropriated to carry out the provisions of this title.

III. In towns or cities comprising more than one school district no special or town district shall be entitled to the benefits of the provisions of the preceding paragraph unless the town or city in which it is situated would be so entitled on the basis of the expenditures of the previous year if it constituted a single district.

IV. If in any year the approved claims of the several districts entitled to state aid shall be in excess of the appropriation a sufficient reduction in the amount of the allotments shall be made to bring the total amount of the grants within the limit of the appropriation. The reduction in the allotment of each district shall bear the same ratio to the total reduction necessary as the district's equalized valuation bears to the total of the equalized valuations of all the districts entitled to state aid in that year.

V. The state board shall have authority in its discretion to withhold from such general distribution an amount not exceeding five per cent of the appropriation for state aid, which it may use to furnish additional aid to districts where special need exists.

VI. The sum total of aid granted in any year to any district, or to all the districts of any one town, shall not exceed six thousand dollars.

VII. The provisions of paragraph III, section 14, chapter 134 of the Revised Laws as amended by section 1, chapter 198 of the Laws of 1947 and sections 8, 9, 10, and 11 of chapter 140 of the Revised Laws as amended by section 2 of chapter 198 of the Laws of 1947 are hereby suspended until June 30, 1951.

3. **Vacancy.** Any vacancy in the office of legislative budget assistant shall be filled by the appropriations committee of the house of representatives and the finance committee of the senate acting as a special committee.

4. **Eastern States Exposition Commission.** The members of the commission to operate the state building at the Eastern States Exposition shall serve without compensation but shall

receive their legitimate expenses incurred in the performance of their duties. Such expenses shall be a charge upon the separate fund as provided in section 3, chapter 19 of the Revised Laws.

**5. Registration of Boats; Transfer of Funds.** From the balance as of July 1, 1949 in the special fund received from collections and fees and fines under chapter 181 of the Revised Laws relative to registration of boats, the sum of eight thousand dollars shall be transferred to the general funds of the state.

**6. Takes Effect.** This act shall take effect as of July 1, 1949.

Mr. Turner of Keene, for the Committee of the Whole, reported to the House the following recommendation: that the House concur in the amendments to House Bill No. 211 sent down by the Honorable Senate.

The report was accepted.

Mr. Ferguson of Pittsfield moved that the House concur in the Senate amendments to House Bill No. 211.

The question being on the motion to concur.

Mrs. Mason of Berlin demanded the yeas and nays.

The roll was called with following result:

### Yeas, 180

COOS COUNTY: Dussault, Hinchey, Moffett, Desilets, Bouchard, Gagnon of Berlin, Roy of Berlin, Currier, Malloy, Kimball, Potter, Converse of Pittsburg, Baker, Hinman.

ROCKINGHAM COUNTY: Hazelton, Fitch, Corson, Eldredge, Rathbone, Root, Underwood, Parmenter, LaBranche of Newmarket, Sewall, Colcord, Alessi, Payette, Durell, Foote, Hobbs, Leary, Ingraham of Portsmouth, Haigh, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Stackpole, Gouin, Grimes, Marcotte, Dodge, Stocklan, Flanagan, Parker, Webster, Wormhood, Horne, Jones of Rochester, Lacasse, Leach, Legueux, Letourneau, Coffin.

BELKNAP COUNTY: Simoneau, Keller, Ransom, Smith of Meredith.

CARROLL COUNTY: Washburn, Downs, Hill, Lucy, Knox, Hodgdon.

MERRIMACK COUNTY: Hardy, Nicoll, Moore, Marden, Ferrin, Colbath, Kennedy of Concord, Suosso, Nawn, Sargent, Chase, Burke, Dudevoir, Mullaire, Kenney, Carr, Lea, Ferguson, Yerxa, Savory, Stebbins.

HILLSBOROUGH COUNTY: Wilson, French, Black, Farwell, Ellsworth, Hambleton, Tirrell, Crosby, Danforth, Geisel, Dwyer, Martel, Sweeney, Fitzgerald, Kean, Kazakis, Malatras, O'Brien, Shea of Manchester, Casey, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, O'Connor, Sullivan of Manchester, Ward 7, Delisle, Simard, Cary, Gagnon of Manchester, Auger, Getz, Roukey, April, La-Flamme of Manchester, Vaillancourt, Daniel of Manchester, Thibodeau of Manchester, Cannon, Donnelly, Wedick, Peaslee of Merrimack, Falconer, Cooper, Boire, Landry, Belcourt, Brosnahan, Spalding of Nashua, Chasse, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Janelle, Cote, Myhaver, Barry.

CHESHIRE COUNTY: Ring, Thomas, Walker of Hinsdale, Spofford, Turner, Pickett, Forbes, Lang, Killeen, Thompson of Winchester.

SULLIVAN COUNTY: Perkins, Angus, Baron, Stetson, Riley, Cummings, Farmer, Callum.

GRAFTON COUNTY: Wadhams, Eggleston, Chamberlin of Haverhill, Sommers, Ashley, Cole, Dwinell, Hamilton, Kelley of Littleton, Pushee, Bell, Lozieux, Barney, Anderson.

### Nays, 141

COOS COUNTY: Mason, Henderson of Berlin, Lazure, Bartlett, Brungot, Christiansen, Fontaine, Gould, Hamlin of Dummer, Fraser, Evans of Lancaster, Moses, Johnson of Milan, Ellingwood, Phelan, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Persson, Hepworth, Elwell, Richards, Sanborn of Fremont, Weeks of Greenland, Merrill, Stevens, Johnson of Northwood, Dondero, Yeaton, Laraba, Bluitte, True, Evans of South Hampton.

STRAFFORD COUNTY: Felker, Smalley, Crandall, Henderson of Durham, Dustin, St. Pierre, Studley, Fernald, Cater of Somerswomth, Malley, Brown of Strafford.

BELKNAP COUNTY: McAllister, Dearborn, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Tilton of Laconia, Shannon, Brown of Laconia, Ewing, Smith of New Hampton, Atwood.

CARROLL COUNTY: Thompson of Effingham, MacGown, Wild, Banfield, Wiggin, Remick, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Rancour, Coakley, Hurd, Nash, Saltmarsh, Tilton of Concord, Greene of Concord, Roby, Blodgett, Towle, Lorden, Connor of Henniker, Spiller, Stapleton.

HILLSBOROUGH COUNTY: Tracy, Jones of Francestown, Reed of Goffstown, Adams of Greenfield, Doonan, English, Boynton, Goodwin of Hollis, Goodwin of Hudson, Spaulding of Hudson, Reid of Litchfield, Corliss, Daniels of Manchester, Betley, Gauthier, Wadleigh, Atherton, Ramsdell, Shedd, Thompson of New Ipswich, Bigelow, Cummings of Peterborough, Osborne.

CHESHIRE COUNTY: Dort, Miller, Aldrich, Landers, Darling, Zimmerman, Hall, Tolman, Andrews, Sherwin, Blake, Kershaw, Rhodes, Billings, Ingram of Winchester.

SULLIVAN COUNTY: Nelson, Wirkkala, Gardner of Springfield.

GRAFTON COUNTY: Brown of Ashland, Chamberlin of Bath, Whittier, Wheeler, Willey, Dunbar, Grass, Williams of Grafton, Atkins, Fuller, Holden, Clough, Perry of Haverhill, Oakes, Adams of Lebanon, Jones of Lebanon, Collins, Gardner of Littleton, Orr, Dusik, Green, Sawyer of Woodstock.

### Pairs

Mr. Rowell of Newport voting yes, paired with Mrs. Read of Plainfield voting no.

And the House concurred in the amendments to House Bill No. 211, sent down from the Honorable Senate.

### Reconsideration

Mr. Myhaver of Peterborough moved that the House reconsider the vote whereby it adopted the amendments sent down from the Honorable Senate on House Bill No. 211.

On a *viva voce* vote the motion to reconsider did not prevail.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 212, (in new draft), An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1951.

Amendment to House Bill No. 212, An act Making Appropriations for the Expenses of the State of New Hampshire for the Year Ending June 30, 1951.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

**1. Appropriations.** The sums hereinafter mentioned are appropriated to be paid out of the treasury of the state for the purposes specified for the fiscal year ending June 30, 1951, to wit:

A continuing appropriation which shall not lapse, shall not be transferred to any other department, institution or account, and which shall be for the expenses of the legislature, including \$9,800.00 for the office of legislative assistant to the appropriations and finance committees, as provided by section 2, chapter 296, of the Laws of 1947

\$300,000.00

(Salary of assistant \$6,300.00, deputy assistant \$2,600.00, current expenses \$900.00)

Council of state governments

1,000.00

Total for legislative branch

\$301,000.00

## For executive branch:

## Office of governor:

Salary of governor	\$6,100.00
Salary of secretary	4,100.00
Other personal services	6,678.00
Current expenses	3,000.00
Travel	500.00

Total	\$20,378.00
Emergency fund	200,000.00
Contingent fund	7,500.00
Total governor's office	\$227,878.00

## For governor's council:

Per diem (@ \$10.00 per diem)	\$4,000.00
Travel	2,500.00

Total for governor's council	6,500.00
Total for executive branch	\$234,378.00

## For judicial branch:

## For supreme court:

Salary of justices	\$47,695.00
Salary of clerk of court	2,720.00
Salary of reporter	2,600.00
Other personal services	2,557.00
Current expenses	3,300.00
Travel	1,000.00
N. H. supreme court reports	3,500.00

Total	\$63,372.00
Less estimated revenue	270.00

Net appropriation	\$63,102.00
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## For superior court:

Salary of judges	\$57,000.00
Other personal services	100.00
Current expenses	3,350.00
Travel	6,500.00

Total	66,950.00
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## For referees and masters:

Salary of referees	\$3,600.00
Current expenses	50.00

Total	3,650.00
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For judicial council	1,000.00
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## For probate court:

Salary of judges	\$23,660.00
Salary of registers	24,180.00
Salary of deputies	11,075.00

Total	58,915.00
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Total for judicial branch	\$193,617.00
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## For adjutant general's department:

## Office of adjutant general:

Salary of adjutant general	\$6,800.00
Other personal services	12,051.00
Current expenses	3,000.00
Equipment	300.00

Total	\$22,151.00
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## National Guard:

Personal services	\$15,228.00
Current expenses	12,725.00
Travel	2,250.00

Total	30,203.00
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## Armories:

Personal services	\$30,000.00
Current expenses	44,850.00
Travel	275.00
Equipment	950.00

Total	76,075.00
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## Rifle ranges:

Personal services	\$2,059.00
Current expenses	1,225.00

Equipment	\$200.00	
Total		3,484.00
Officers' uniform allowance		11,250.00
Photostating:		
Personal services	\$2,319.00	
Current expenses	1,100.00	
Total		3,419.00
Maintenance Grenier field:		
Personal services	\$4,689.00	
Current expenses	3,550.00	
Equipment	350.00	
Total		8,589.00
Maintenance Concord military reservation:		
Current expenses	\$2,087.50	
Equipment	500.00	
Total		2,587.50
Drill expenses—travel		1,000.00
War service recognition:		
Current expenses		300.00
Total adjutant general's department	\$159,058.50	
Less estimated revenue	2,500.00	
Total net appropriation		\$156,558.50
For department of agriculture:		
Office of commissioner:		
Salary of commissioner	\$5,300.00	
Other personal services	16,820.10	
Current expenses	3,460.00	
Travel	6,000.00	
Other expenditures	10,000.00	
Total		\$41,580.10

## Bureau of markets:

Personal services	\$16,314.30
Current expenses	11,271.50
Travel	3,000.00
Other expenditures	850.00

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Total	31,435.80
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## Division of animal husbandry:

Salary of state veterinarian	\$5,100.00
Other personal services	22,896.90
Current expenses	5,967.00
Travel	4,000.00
Other expenditures	38,010.00

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Total	75,973.90
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## Insect and plant disease suppression and control:

Personal services	\$13,848.30
Current expenses	1,110.00
Travel	2,000.00
Equipment	180.00

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Total	17,138.30
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## Grants:\*

Board of Veterinary Examiners	200.00
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Total for department of agriculture	\$166,328.10
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## For attorney general:

## Office of attorney general:

Salary of attorney general	\$6,700.00
Salary of assistant attorney general	4,700.00
Other personal services	22,203.00
Current expenses	2,200.00
Travel	900.00
Equipment	400.00

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Total	\$37,103.00
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\* The provision of section 8, chapter 231 of the Revised Laws is suspended for the fiscal year ending June 30, 1951.

## Register of public trusts:

Director	\$3,500.00
Personal services	3,017.00
Current expenses	425.00
Travel	200.00
Equipment	100.00

Total	7,242.00
Fees for registers of probate	4,250.00

## Legacy tax:

Current expenses	\$1,300.00
Travel	100.00
Equipment	300.00

Total	1,700.00
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Total for attorney general	\$50,295.00
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## For comptroller:

## Office of comptroller:

Salary of comptroller	\$6,300.00
Other personal services	39,882.00
Current expenses	4,575.00
Travel	2,000.00
Equipment	250.00

Total	\$53,007.00
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## Travel bureau:

Personal services	\$5,159.00
Current expenses	275.00

Total	5,434.00
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## Other expenditures:

State House Annex sinking fund	16,000.00
2% assessment—state police	9,000.00
Firemen's relief	4,000.00
League of N. H. Arts and Crafts	6,000.00
Atlantic Marine Fisheries	700.00
Classification plan board	750.00

Total for comptroller's department	\$94,891.00
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## For forestry and recreation commission:

## For forestry:

## Administration:

Salary of forester	\$5,600.00
Other personal services	19,447.00
Current expenses	4,325.00
Travel	650.00
Equipment	250.00

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Total	\$30,272.00
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## Nursery:

Personal services	\$8,525.00
Current expenses	3,195.00
Equipment	150.00

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Total	11,870.00
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## Reforestation:

Personal services	\$1,775.00
Travel	900.00

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Total	2,675.00
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## District fire supervision:

Personal services	\$7,992.75
Current expenses	1,100.00
Travel	2,000.00

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Total	11,092.75
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## Lookout stations:

Personal services	26,775.00
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## Fire control training:

Current expenses	\$1,800.00
Other expenditures	3,000.00

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Total	4,800.00
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## Prevention of fires:

Personal services	\$5,037.00
Current expenses	2,575.00
Travel	300.00
Equipment	2,000.00

Other expenditures	\$1,000.00	
	<hr/>	
Total		10,912.00
Forest fire bills to towns		10,000.00
White pine blister rust control:		
Personal services	\$10,493.00	
Current expenses	900.00	
Travel	850.00	
	<hr/>	
Total		12,243.00
Federal Norris-Doxey Co-operative Program:		
Personal services	\$7,250.00	
Current expenses	664.00	
Travel	3,250.00	
Equipment	150.00	
	<hr/>	
Total		11,314.00
		<hr/>
Total for forestry		\$131,953.75
For recreation:		
General:		
Salary of director	\$5,360.00	
Other personal services	122,612.00	
Current expenses	77,995.00	
Travel	7,000.00	
Equipment	8,000.00	
Other expenditures:		
Interest on bonds	4,000.00	
Wallis Sands project	1,000.00	
	<hr/>	
Total		\$225,967.00
Franconia Notch:		
Managing director	\$6,205.00	
Other personal services	34,616.00	
Current expenses	84,312.00	
Travel	1,000.00	
Equipment	3,000.00	
	<hr/>	
Total		129,133.00

## Mt. Sunapee state park:

Managing director	\$4,500.00
Other personal services	51,406.15
Current expenses	30,100.00
Travel	1,000.00
Equipment	1,400.00
Other expenditures:	
Stock in trade	40,000.00
Bonds—principal and interest	29,675.00

Total	<u>158,081.15</u>
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Total for recreation	<u>\$513,181.15</u>
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*Less estimated revenue	<u>512,181.15</u>
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Net appropriation	<u>\$1,000.00</u>
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## For insurance department:

## Office of commissioner:

Salary of commissioner	\$6,300.00
Salary of deputy commissioner	5,360.00
Other personal services	19,925.00
Current expenses	5,430.00
Travel	1,100.00
Equipment	300.00

Total	<u>\$38,415.00</u>
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## For rating division:

Personal services	\$3,978.00
Current expenses	1,800.00
Travel	500.00
Equipment	500.00

Total	<u>6,778.00</u>
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Total for insurance department	<u>\$45,193.00</u>
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\* In the above appropriation any revenue in excess of the estimate will be available for such expenditures as the governor and council shall approve.

## For bureau of labor:

## Office of commissioner:

Salary of commissioner	\$5,540.00
Other personal services	7,156.00
Current expenses	3,525.00
Travel	1,500.00
Equipment	300.00

Total	\$18,021.00
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## Minimum wage:

Personal services	\$5,879.00
Current expenses	840.00
Travel	2,000.00

Total	8,719.00
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## Factory inspection:

Personal services	\$11,303.00
Current expenses	1,000.00
Travel	3,000.00

Total	15,303.00
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## Industrial accident commission:

Personal services	\$11,275.00
Current expenses	4,075.00
Travel	200.00
Equipment	150.00

Total	15,700.00
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## New Hampshire apprenticeship council:

Current expenses	500.00
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Total for bureau of labor	\$58,243.00
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## For motor vehicle department:

## Administration:

Salary of commissioner	\$6,040.00
Salary of deputy commissioner	5,100.00
Other personal services	108,529.00
Current expenses	120,000.00



Travel	\$2,000.00	
Equipment	6,000.00	
Other expenditures:		
Employees' retirement	9,000.00	
Total		\$256,669.00

## Gasoline road toll:

Personal services	\$15,023.00	
Current expenses	2,600.00	
Travel	2,500.00	
Equipment	500.00	
Total		20,623.00

## Motor vehicle patrol:

Personal services	\$37,571.00	
Current expenses	1,200.00	
Travel	22,000.00	
Equipment	2,000.00	
Total		62,771.00

Total for motor vehicle department	\$340,063.00
Less revenue	340,063.00

Net appropriation	0.00
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## For purchasing agent:

Salary of purchasing agent	\$5,920.00	
Other personal services	23,504.00	
Current expenses	4,150.00	
Travel	150.00	
Equipment	400.00	
Total for purchasing agent		\$34,124.00

## For secretary of state:

## Office of secretary:

Salary of secretary	\$5,980.00
Salary of deputy secretary	4,420.00
Other personal services	16,530.00

Current expenses	\$2,195.00	
Travel	700.00	
Equipment	100.00	
Total		\$29,925.00
Direct primary:		
Personal services	\$1,800.00	
Current expenses	14,875.00	
Travel	300.00	
Total		16,975.00
General election:		
Personal services	\$1,700.00	
Current expenses	21,150.00	
Travel	300.00	
Total		23,150.00
Photostat division:		
Personal services	\$3,105.00	
Current expenses	1,200.00	
Total		4,305.00
Total for secretary of state		\$74,355.00
For state library:		
Administration:		
Salary of librarian	\$4,050.00	
Salary of assistant librarian	3,420.00	
Other personal services	43,517.20	
Current expenses	6,600.00	
Travel	700.00	
Equipment	10,450.00	
Other expenditures:		
Microfilming	1,000.00	
Total		\$69,737.20

## Extension:

Current expenses	\$3,500.00
Travel	2,250.00
Equipment	8,000.00
Other expenditures:	
Summer institute	400.00

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Total	14,150.00
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State aid	1,000.00
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Total for state library	\$84,887.20
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## For state police:

Salary of superintendent	\$6,040.00
Other personal services	206,718.00
Current expenses	78,725.00
Travel	17,000.00
Equipment	30,000.00

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Total for state police	\$338,483.00
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Less transfer from highway fund	287,710.00
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Net appropriation	\$50,773.00
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## For buildings and grounds:

## General:

Salary of superintendent	\$3,800.00
Other personal services	94,297.00
Current expenses	61,271.00

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Total	\$159,368.00
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## Mailing division:

Personal services	\$5,929.00
Current expenses	700.00

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Total	6,629.00
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## Franklin Pierce homestead:

Personal services	\$355.00
Current expenses	100.00

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Total	455.00
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## Daniel Webster birthplace:

Personal services	\$250.00
Current expenses	725.00
Travel	10.00

Total	985.00
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Total for buildings and grounds	\$167,437.00
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## For state treasury:

## Office of treasurer:

Salary of treasurer	\$5,980.00
Salary of deputy	3,860.00
Other personal services	25,873.00
Current expenses	6,365.00
Travel	200.00
Equipment	305.00

Total	\$42,583.00
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## Highway division:

Personal services	\$7,630.50
Current expenses	4,900.00
Equipment	428.50

Total	\$12,959.00
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Less transfer from high- way fund	12,959.00
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Net appropriation	0.00
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## Intangible tax:

Personal services	\$3,196.50
Current expenses	375.00

Total	\$3,571.50
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Less revenue	3,571.50
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Net appropriation	0.00
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Bounties	12,000.00
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Trust funds	37,087.27
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Total for state treasury	\$91,670.27
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## For weights and measures:

Salary of commissioner	\$4,800.00
Other personal services	11,913.00
Current expenses	1,900.00
Travel	3,000.00
Equipment	200.00

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Total for weights and measures	\$21,813.00
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## For industrial school:

## Administration:

Salary of superintendent	\$5,360.00
Other personal services	9,569.70
Current expenses	2,485.00
Travel	950.00
Equipment	200.00

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Total	\$18,564.70
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## Instruction:

Personal services	\$10,390.80
Current expenses	1,300.00
Equipment	750.00

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Total	12,440.80
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## Custodial care:

Personal services	\$44,290.40
Current expenses	27,100.00
Equipment	2,000.00

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Total	73,390.40
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## Auxiliary to custodial care:

Personal services	\$5,864.00
Current expenses	200.00
Travel	300.00
Equipment	500.00

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Total	6,864.00
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## Operation of plant:

Personal services	\$4,260.30
Current expenses	25,000.00
Equipment	400.00

Total	29,660.30
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## Maintenance of plant:

Personal services	\$7,462.30
Current expenses	3,200.00
Equipment	300.00

Total	10,962.30
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## Agriculture:

Personal services	\$5,161.00
Current expenses	21,900.00
Equipment	1,000.00

Total	28,061.00
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## Parole:

Personal services	\$2,084.70
Current expenses	250.00
Travel	1,350.00
Equipment	350.00

Total	4,034.70
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Total for industrial school	\$183,978.20
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Less revenue	2,750.00
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Net appropriation	\$181,228.20
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## For Laconia state school:

## Administration:

Salary of superintendent	\$5,700.00
Other personal services	11,019.25
Current expenses	1,500.00
Travel	1,500.00

Total	\$19,719.25
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## Professional care and treatment:

Personal services	\$110,933.00	
Current expenses	4,535.00	
Travel	50.00	
Equipment	150.00	
	<hr/>	
Total		115,668.00

## Custodial care:

Personal services	\$36,183.00	
Current expenses	90,000.00	
Travel	30.00	
Other expenditures	100.00	
	<hr/>	
Total		126,313.00

## Operation of plant:

Personal services	\$15,505.00	
Current expenses	40,000.00	
	<hr/>	
Total		55,505.00

## Maintenance of plant:

Personal services	\$11,081.00	
Current expenses	4,865.00	
	<hr/>	
Total		15,946.00

## Agriculture:

Personal services	\$31,266.00	
Current expenses	60,000.00	
Travel	35.00	
Equipment	1,100.00	
	<hr/>	
Total		92,401.00

Total for Laconia state school	\$425,552.25
Less revenue	1,000.00

Net appropriation	\$424,552.25
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## For soldiers' home:

## Office of the commandant:

Salary of commandant	\$2,860.00
Other personal services	1,791.00
Current expenses	515.00
Travel	75.00

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Total	\$5,241.00
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## Custodial care:

Personal services	\$9,877.00
Current expenses	12,000.00

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Total	21,877.00
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## Professional care and treatment:

Personal services	\$7,108.00
Current expenses	900.00

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Total	8,008.00
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## Operation of plant:

Personal services	\$8,269.16
Current expenses	5,595.80

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Total	13,864.96
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## Maintenance of plant:

Current expenses	650.00
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Total for soldiers' home	\$49,640.96
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## For state hospital:

## Administration:

Salary of superintendent	\$10,000.00
Other personal services	98,063.00
Current expenses	11,790.00
Travel	3,900.00
Equipment	500.00

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Total	\$124,253.00
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## Professional care and treatment:

Personal services	\$698,000.00
Current expenses	47,517.00
Travel	2,075.00
Equipment	4,500.00

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Total	752,092.00
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## Custodial care:

Personal services	\$241,340.00
Current expenses	501,415.00
Travel	75.00
Equipment	12,200.00

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Total	755,030.00
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## Operation of plant:

Personal services	\$60,719.00
Current expenses	212,000.00
Travel	1,400.00
Equipment	5,000.00

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Total	279,119.00
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## Maintenance of plant:

Personal services	\$82,038.00
Current expenses	14,880.00
Travel	80.00
Equipment	800.00

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Total	97,798.00
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## Agriculture:

Personal services	\$30,400.00
Current expenses	64,220.00
Travel	50.00
Equipment	2,460.00

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Total	97,130.00
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Total for state hospital	\$2,105,422.00
Less revenue	6,300.00

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Net appropriation	\$2,099,122.00
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## For state prison :

## Administration :

Salary of warden	\$5,780.00
Other personal services	7,889.00
Current expenses	1,181.00
Travel	500.00
Equipment	150.00

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Total	\$15,500.00
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## Instruction :

Personal services	2,700.00
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## Custodial care :

Salary of deputy warden	\$3,035.00
Other personal services	92,905.00
Current expenses	75,840.00
Equipment	1,100.00

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Total	172,880.00
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## Auxiliary to prison care :

Personal services	\$6,000.00
Current expenses	4,680.00
Other expenditures—awards	1,250.00

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Total	11,930.00
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## Operation of plant :

Personal services	\$5,148.00
Current expenses	7,800.00

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Total	12,948.00
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## Maintenance of plant :

Current expenses	8,167.50
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## Agriculture :

Personal services	\$7,037.00
Current expenses	18,045.00

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Total	\$25,082.00
Less transfer	12,000.00

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Net total	13,082.00
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## Parole :

Personal services	\$10,822.00
Current expenses	1,560.00
Travel	3,000.00
Equipment	175.00

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Total	15,557.00
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Total for state prison	\$252,764.50
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Less revenue	16,028.00
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Net appropriation	\$236,736.50
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## For state sanatorium :

## Administration :

Salary of superintendent	\$5,800.00
Other personal services	4,282.00
Current expenses	1,535.00
Travel	1,100.00
Equipment	150.00

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Total	\$12,867.00
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## Professional care :

Personal services	\$53,073.00
Current expenses	9,010.00
Equipment	600.00

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Total	62,683.00
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## Custodial care :

Personal services	\$24,886.00
Current expenses	36,950.00
Equipment	250.00

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Total	62,086.00
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## Operation of plant :

Personal services	\$18,184.00
Current expenses	20,005.00
Equipment	450.00

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Total	38,639.00
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## Maintenance of plant:

Personal services	\$500.00
Current expenses	2,050.00
Equipment	250.00

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Total	2,800.00
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## Agriculture:

Personal services	\$5,958.00
Current expenses	8,111.00
Equipment	2,000.00

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Total	16,069.00
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Total for state sanatorium	\$195,144.00
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## For University of New Hampshire:

Millage fund*	\$950,000.00
Extension work in counties	61,000.00

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Total	\$1,011,000.00
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## For barbers' board:

Personal services	\$2,859.00
Current expenses	516.00
Travel	800.00

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Total for barbers' board	\$4,175.00
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Less revenue	4,175.00
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Net appropriation	0.00
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## For chiropractic examiners:

Personal services	\$375.00
Current expenses	200.00
Travel	325.00

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Total for chiropractic examiners	\$900.00
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\* This amount to be in lieu of the amount provided by section 18, chapter 222 of the Revised Laws, as amended by section 1, chapter 37 of the Laws of 1947, which said sections are hereby suspended for the fiscal year ending June 30, 1951.

## For board of education:

## Administration:

Salary of commissioner	\$8,550.00
Salary of deputy	3,414.00
Other personal services	75,655.85
Current expenses	14,000.00
Travel	10,000.00
Equipment	2,000.00

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Total	\$113,619.85
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## Equalization:

Transportation, etc.	\$4,000.00
State aid to school districts*	400,000.00

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Total	404,000.00
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## State wide supervision:

Personal services (net)	\$120,025.00
Other expenditures:	
Superintendents' conference	1,750.00

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Total	121,775.00
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## Smith-Hughes (state):

Personal services	\$5,412.95
Current expenses	250.00
Travel	1,200.00

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Total	6,862.95
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## Vocational rehabilitation (state):

Current expenses	\$18,900.00
Travel	500.00
Equipment	600.00

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Total	20,000.00
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\* This sum to be distributed in accordance with the provisions of section 2 of the act making appropriations for the year ending June 30, 1950.

## George Barden (state) :

Personal services	\$6,435.15
Current expenses	300.00
Travel	2,000.00

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Total	8,735.15
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## State trade school—Manchester :

Personal services	\$80,926.07
Current expenses	25,420.00
Travel	500.00
Equipment	5,000.00
Other expenditures	150.00

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Total	111,996.07
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## State trade school—Portsmouth :

Personal services	\$56,487.00
Current expenses	23,400.00
Travel	600.00
Equipment	2,500.00

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Total	82,987.00
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## Trade school division

(Concord office) :

Personal services	\$9,693.00
Current expenses	1,500.00
Travel	1,000.00

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Total	12,193.00
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## Area vocational schools :

Personal services	\$1,989.00
Current expenses	400.00
Travel	1,200.00
Equipment	10,000.00

## Other expenditures :

Reimbursements to school districts	82,000.00
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Total	95,589.00
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## On-the-job training for veterans:

Current expenses	\$2,660.00
Equipment	350.00

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Total	3,010.00
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## School lunch program:

Personal services	\$4,920.00
Current expenses	900.00
Travel	1,000.00

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Total	6,820.00
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## Keene teachers' college:

Personal services	\$250,109.00
Current expenses	141,600.00
Travel	1,500.00
Equipment	6,000.00

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Total	399,209.00
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## Plymouth teachers' college:

Personal services	\$185,764.00
Current expenses	102,125.00
Travel	1,000.00
Equipment	8,500.00

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Total	297,389.00
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## Education of deaf:

Current expenses	\$40,000.00
Equipment	1,000.00

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Total	41,000.00
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Board of nurse examiners	\$3,750.00
Total for board of education	\$1,728,936.02
Less revenue	603,275.00
Net appropriation	\$1,125,661.02

In addition to the above appropriation said department shall receive for disbursement the income of the teachers colleges' dormitories and practice schools, revenue from tuitions received by the Manchester and Portsmouth trade schools and the sums paid by school districts for the salaries of superintendents under section 44, chapter 135 of the Revised Laws. In this department any balance excepting the equalization fund which may be unexpended in any fiscal year shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

For board of health:

Administration:

Salary of state health officer	\$7,360.00
Other personal services	9,380.00
Current expenses	14,255.24
Travel	200.00
Total	\$31,195.24

Finance:

Personal services	\$10,595.00
Current expenses	550.00
Equipment	200.00
Total	11,345.00

Hospital services:

Personal services	\$8,653.00
Current expenses	200.00
Travel	300.00
Total	9,153.00

Vital statistics:

Personal services	\$11,447.00
Current expenses	1,650.00
Total	13,097.00



## Public health nursing:

Personal services	\$30,512.00	
Current expenses	750.00	
Travel	4,800.00	
	<hr/>	
Total		36,062.00

## Communicable disease control:

Personal services	\$23,149.40	
Current expenses	60,000.00	
Travel	1,500.00	
Equipment	300.00	
	<hr/>	
Total		84,949.40

## Dental services:

Personal services	\$12,251.00	
Current expenses	1,500.00	
Travel	800.00	
	<hr/>	
Total		14,551.00

Maternal and child health and  
crippled children:

Personal services	\$16,862.00	
Current expenses	5,000.00	
Travel	400.00	
	<hr/>	
Total		22,262.00

## Industrial hygiene:

Personal services	\$16,898.00	
Current expenses	700.00	
Travel	1,500.00	
Equipment	900.00	
	<hr/>	
Total		19,998.00

## Diagnostic laboratories:

Personal services	\$21,570.00	
Current expenses	4,950.00	
Travel	100.00	
Equipment	500.00	
Other expenditures	1,420.00	
	<hr/>	
Total		28,540.00

## Food and chemistry:

Personal services	\$40,137.50
Current expenses	2,300.00
Travel	11,100.00
Equipment	500.00

Total	54,037.50
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## Sanitary engineering:

Personal services	\$24,275.50
Current expenses	1,450.00
Travel	4,000.00
Equipment	500.00

Total	30,225.50
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Total for board of health	\$355,415.64
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Less revenue	1,040.00
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Net appropriation	\$354,375.64
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## For board of registration in medicine:

Personal services	\$525.00
Current expenses	250.00
Travel	275.00
Equipment	50.00

Total for board of registration of medicine	\$1,100.00
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Less revenue	1,100.00
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Net appropriation	0.00
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## For board of optometry:

Personal services	\$150.00
Current expenses	150.00
Travel	50.00

Total for board of optometry	\$350.00
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## For board of inebriates:

Salary of executive director	\$5,000.00	
Other personal services	8,856.00	
Current expenses	3,510.00	
Travel	1,250.00	
Equipment	450.00	
Total for board of inebriates		\$19,066.00

## For board of fire control:

Salary of fire marshal	\$5,000.00	
Other personal services	7,934.00	
Current expenses	2,500.00	
Travel	2,000.00	
Total for board of fire control		\$17,434.00

## For milk control board:

Personal services	\$9,545.00	
Current expenses	950.00	
Travel	1,500.00	
Total for milk control board		\$11,995.00

## For probation board:

Personal services	\$62,791.00	
Current expenses	7,075.00	
Travel	13,000.00	
Equipment	500.00	
Total for probation board		\$83,366.00

## For board of public welfare:

## Administration:

Salary of commissioner	\$5,800.00	
Other personal services	66,235.00	
Current expenses	17,835.00	
Travel	4,180.00	
Equipment	1,000.00	

## Other expenditures:

Merit system	3,500.00	
Employees' retirement	11,000.00	

Total		\$109,550.00
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## State services:

Personal services	\$10,260.00
Current expenses	225.00
Travel	800.00
Equipment	250.00

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Total	11,535.00
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## Field services:

Personal services	\$212,395.00
Current expenses	28,332.00
Travel	27,600.00
Equipment	3,825.00

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Total	272,152.00
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## Blind services:

Personal services	\$18,071.00
Current expenses	1,460.00
Travel	2,365.00
Equipment	100.00
Grants	29,000.00

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Total	50,996.00
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## Child welfare services:

Personal services	\$21,824.00
Travel	4,600.00

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Total	26,424.00
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Aid to dependent children (state's share) 1,555,226.35

Special children's aid 2,500.00

Aid to needy blind (state's share) 105,873.51

## Vocational rehabilitation:

Grants 10,000.00

John Nesmith fund 3,700.00

Old age assistance (state's share) 1,062,072.97

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Total for board of public welfare	\$3,210,029.83
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Less revenue	158,025.00
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Net appropriation	\$3,052,004.83
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## For veterans' council:

Personal services	\$10,523.00	
Current expenses	1,210.00	
Travel	4,000.00	
Burial claims	10,000.00	
Total for veterans' council		\$25,733.00

## For water resources board:

Personal services	\$10,127.50	
Current expenses	700.00	
Travel	1,200.00	
Equipment	150.00	
Total	\$12,177.00	
Less transfer from Pittsburg project	5,000.00	
Net appropriation		7,177.50

## Water control commission:

Personal services	\$10,057.50	
Current expenses	600.00	
Travel	1,000.00	
Equipment	75.00	
Total		11,732.50

## Stream flow gauging

Stream flow gauging	\$10,000.00	
Less transfers from highway funds	2,750.00	
Net appropriation		7,250.00

Total for water resources board	\$26,160.00
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## For state housing board:

Personal services	\$9,873.00	
Current expenses	800.00	
Travel	650.00	
Equipment	170.00	
Total for state housing board		\$11,493.00

For uniform state laws	\$400.00
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## For aeronautics commission:

Salary of director	\$4,860.00
Other personal services	10,477.00
Current expenses	2,645.00
Travel	2,250.00
Equipment	100.00

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Total for aeronautics commission	\$20,332.00
Less revenue and balance	20,332.00

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Net appropriation	0.00
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## For bank commission:

Salary of commissioner	\$6,395.00
Salary of deputies	9,062.50
Other personal services	31,607.00
Current expenses	5,300.00
Travel	9,500.00
Equipment	315.00

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Total for bank commission	\$62,179.50
*Less revenue	45,710.00

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Net appropriation	\$16,469.50
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\* The bank commissioner shall collect from the institutions, the condition and management of which the bank commissioner is required to examine under the provisions of section 8 of chapter 307 of the Revised Laws as the total cost of such examination, the sum of \$45,578 annually and each such institution shall pay to the state annually within thirty days after receipt by it of notice of assessment, such proportion of the total sum collectable hereunder as its assets bear to the total assets of all such institutions as shown by the reports of the bank commissioner as of the thirtieth of June preceding such payments. Sums collected under the provisions hereof shall be credited to the appropriation for the bank commissioner.

## For cancer commission:

Personal services	\$18,886.00
Current expenses	39,680.00
Travel	1,350.00
Equipment	75.00

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Total for cancer commission	\$59,991.00
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Less revenue	9,000.00
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Net appropriation	\$50,991.00
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## For liquor commission:

## Liquor administration:

Salary of commissioners, one-half	\$8,730.00
Other personal services	61,859.00
Current expenses	28,150.00
Travel	3,500.00
Equipment	1,500.00

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Total	\$103,739.00
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## Beer administration:

Salary of commissioners, one-half	\$8,730.00
Other personal services	58,796.50
Current expenses	14,350.00
Travel	25,000.00
Equipment	1,500.00

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Total	108,376.50
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## Liquor enforcement:

Personal services	\$11,107.00
Current expenses	725.00
Travel	7,000.00
Equipment	50.00

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Total	18,882.00
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## Stores:

Personal services	\$392,924.00	
Current expenses	203,450.00	
Travel	6,000.00	
Equipment	10,000.00	
	<hr/>	
Total		612,374.00

## Warehouse:

Personal services	\$51,669.00	
Current expenses	33,900.00	
Travel	100.00	
Equipment	3,000.00	
	<hr/>	
Total		88,669.00

Total for liquor commission	\$932,040.50
Less revenue	932,040.50

Net appropriation	0.00
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## For pharmacy commission:

Personal services	\$1,600.00
Current expenses	235.00
Travel	700.00

Total for pharmacy commission	\$2,535.00
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## For planning and development commission:

## Administration:

Salary of director	\$5,300.00
Other personal services	56,397.00
Current expenses	70,000.00
Travel	4,000.00
Equipment	1,000.00



## Other expenditures:

Tourist service	\$2,000.00
Regional associations*	16,950.00
Wood waste utilization	2,000.00

Total for planning and development commission	\$157,647.00
Less revenue	2,650.00

Net appropriation	\$154,997.00
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## For public service commission:

Salary of commissioners	\$20,400.00
Other personal services	61,629.00
Current expenses	23,545.00
Travel	6,000.00
Equipment	500.00
Aids to navigation	1,600.00

Total for public service commission	\$113,674.00
Less estimated revenue†	43,000.00

Net appropriation	\$70,674.00
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## For racing commission:

Salary of commissioners	\$5,400.00
Other personal services	25,216.00
Current expenses	3,500.00
Travel	3,300.00
Equipment	850.00

## Other expenditures:

Employees' retirement	450.00
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Total for racing commission	\$38,716.00
Less revenue	38,716.00

Net appropriation	0.00
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\* This appropriation shall be administered by the state planning and development commission for the aid of regional development associations. Not more than \$2,825.00 may be allotted by the commission to any one regional association whose bounds, form of organization and program shall first have been approved by the commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriation.

† Any income in excess of the above estimate shall be available for further expenditure as the governor and council shall approve.

## For state tax commission :

## Office of commission :

Salary of two commissioners	\$8,840.00
Salary of secretary	5,360.00
Other personal services	20,655.00
Current expenses	6,980.00
Travel	5,000.00
Equipment	240.00

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Total	\$47,075.00
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## Interest and dividends division :

Personal services	\$12,106.00
Current expenses	2,200.00
Travel	500.00

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Total	14,806.00
Less revenue	14,806.00

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Net appropriation	0.00
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## Utilities tax :

Personal services	\$3,373.00
Current expenses	150.00
Travel	150.00

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Total	3,673.00
Less revenue	3,673.00

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Net appropriation	0.00
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## Tobacco products :

Personal services	\$21,254.00
Current expenses	13,700.00
Travel	7,500.00

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Total	42,454.00
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## Municipal accounting division :

Personal services	\$24,032.00
Current expenses	1,225.00
Travel	5,000.00
Equipment	225.00

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Total	\$30,482.00
Less revenue	17,900.00

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Net appropriation	\$12,582.00
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Total net appropriation for tax commission	\$102,111.00
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## For water pollution commission :

Personal services	\$18,943.00
Current expenses	5,000.00
Travel	5,500.00
Equipment	500.00

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Total for water pollution commission	\$29,943.00
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For firemen's retirement system	\$27,500.00
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For policemen's retirement system	\$59,000.00
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For teachers' retirement system	\$44,120.00
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## For employees' retirement system :

Personal services	\$15,016.00
Current expenses	1,358.00
Travel	600.00
Other expenditures	94,000.00

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Total for employees' retire- ment system	\$110,974.00
Less revenue	4,000.00

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Net appropriation	\$106,974.00
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## For mental hygiene clinics and study home:

Salary of director	\$5,713.00
Other personal services	22,750.42
Current expenses	6,000.00
Travel	1,500.00
Equipment	250.00

Total for mental hygiene clinic  
and study home

\$36,213.42

For board of accountancy:	\$601.00
Less revenue	601.00

Net appropriation

0.00

## For fish and game commission:

## Commission:

Current expenses	\$335.00
Travel	1,000.00
Employees' retirement	17,000.00

Total

\$18,335.00

## Administration:

Salary of director	\$5,300.00
Other personal services	20,634.00
Current expenses	24,760.00
Travel	1,000.00
Equipment	800.00

Total

52,494.00

## Conservation service:

Personal services	\$86,409.00
Current expenses	11,650.00
Travel	57,500.00
Equipment	3,500.00

Total

159,059.00

## Education :

Personal services	\$8,951.00
Current expenses	7,725.00
Travel	3,000.00
Equipment	2,750.00
Shows	6,000.00

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Total	28,426.00
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## Research :

Personal services	\$20,456.00
Current expenses	4,460.00
Travel	2,000.00
Equipment	2,500.00

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Total	29,416.00
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## Propagation of fish :

Personal services	\$101,523.00
Current expenses	173,310.00
Travel	7,500.00
Equipment	9,800.00

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Total	292,133.00
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## Propagation of game :

Personal services	\$4,060.00
Current expenses	29,840.00
Travel	1,000.00
Equipment	500.00

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Total	35,400.00
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## Pittman-Robertson :

Personal services	\$23,533.00
Current expenses	6,615.00
Travel	4,000.00
Equipment	960.00

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Total	35,108.00
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Damage:	
Personal services	\$7,000.00
Current expenses	11,557.00
Travel	1,800.00
Equipment	1,500.00
Damage awards	6,000.00
	<hr/>
Total	27,857.00
Bobcat bounties	4,000.00
	<hr/>
Total for fish and game commission	\$682,228.00
Less estimated revenue*	682,228.00
	<hr/>
Net appropriation	0.00
For board of hairdressers:	
Personal services	\$3,316.00
Current expenses	1,325.00
Travel	1,200.00
Equipment	75.00
Other expenditures:	
Employees' retirement system	120.00
	<hr/>
Total for hairdressers'	
board	\$6,036.00
Less revenue	6,036.00
	<hr/>
Net appropriation	0.00
For prison industries:	
Personal services	\$47,880.00
Current expenses	94,650.00
Travel	500.00
Equipment	2,000.00
	<hr/>
Total for prison industries	\$145,030.00
Less revenue	145,030.00
	<hr/>
Net appropriation	0.00

\* In addition to the above appropriation the fish and game department shall receive for such disbursement as the governor and council shall approve, any income received in excess of the above estimate.

## For aerial tramway:

Personal services	\$121,902.00	
Current expenses	47,134.33	
Travel	1,000.00	
Equipment	500.00	
Contracts	260.00	
Stock in trade	40,000.00	
Employees' retirement system	6,139.67	
New trail—summit to valley	8,000.00	
		<hr/>
Total for aerial tramway		\$224,936.00
Less revenue		224,936.00
		<hr/>
Net appropriation		0.00
		<hr/>
Total net appropriation		<u>\$11,586,407.14</u>

2. *Takes Effect.* This act shall take effect as of July 1, 1950.

Mr. Turner of Keene, for the Committee of the Whole, reported to the House the following recommendation: that the House concur in the amendments to House Bill No. 212.

Mr. Sanborn of Wakefield moved that House Bill No. 212 and Senate amendment pending, be laid on the table.

The question being on the motion of Mr. Sanborn.

Mr. Jones of Lebanon moved that the House adjourn.

On a *viva voce* vote the motion to adjourn did not prevail.

Mr. Jones of Lebanon demanded the yeas and nays and the roll was called with the following result.

### Yeas, 63

GRAFTON COUNTY: Brown of Ashland, Chamberlin of Bath, Wheeler, Eggleston, Dunbar, Grass, Willams of Grafton, Atkins, Fuller, Holden, Clough, Oakes, Adams of Lebanon, Jones of Lebanon, Collins, Gardner of Littleton, Orr, Dusik, Green.

COOS COUNTY: Lazure, Bartlett, Brungot, Gould, Fraser, Moses, Johnson of Milan, Converse of Pittsburg, Phelan, Taylor.

ROCKINGHAM COUNTY: Griffin, Graves, Richards, Sanborn of Fremont, Johnson of Northwood, Dondero, Yeaton, Bluitte, True.

STRAFFORD COUNTY: Crandall, Henderson of Durham, Dustin, St. Pierre, Studley, Fernald.

BELKNAP COUNTY: Dearborn, Atwood.

CARROLL COUNTY: Thompson of Effingham, MacGown, Banfield, Wiggin, Knox, Remick.

MERRIMACK COUNTY: Hardy, Greene of Concord, Kenney, Stapleton.

HILLSBOROUGH COUNTY: Jones of Francestown, Crosby, Geisel, Dwyer.

CHESHIRE COUNTY: Miller, Andrews, Rhodes.

### Nays, 247

GRAFTON COUNTY: Wadhams, Whittier, Willey, Chamberlin of Haverhill, Perry of Haverhill, Sommers, Ashley, Cole, Dwinell, Hamilton, Kelley of Littleton, Pushee, Bell, Loizeaux, Barney, Anderson, Sawyer of Woodstock.

COOS COUNTY: Dussault, Hinchey, Mason, Moffett, Desilets, Henderson of Berlin, Christiansen, Bouchard, Fontaine, Gagnon of Berlin, Roy of Berlin, Currier, Hamlin of Dummer, Malloy, Kimball, Evans of Lancaster, Ellingwood, Potter, Baker, Hinman.

ROCKINGHAM COUNTY: Hazelton, Fitch, Corson, Hepworth, Eldredge, Elwell, Rathbone, Weeks of Greenland, Root, Merrill, Underwood, Parmenter, LaBranche of Newmarket, Sewall, Carter of North Hampton, Colcord, Alessi, Payette, Durell, Foote, Hobbs, Leary, Laraba, Ingraham of Portsmouth, Haigh, Evans of South Hampton, Scamman, Waterhouse.

STRAFFORD COUNTY: Swain, Stackpole, Gouin, Grimes, Marcotte, Felker, Smalley, Dodge, Stocklan, Flanagan, Parker, Webster, Wormhood, Jones of Rochester, Lacasse, Leach, Green of Rollinsford, Lagueux, Letorneau, Coffin, Cater of Somersworth, Malley, Brown of Strafford.



BELKNAP COUNTY: McAllister, Weeks of Gilford, Kelley of Gilmanton, Hart of Laconia, Simoneau, Tilton of Laconia, Keller, Shannon, Brown of Laconia, Ewing, Ransom, Smith of Meredith, Smith of New Hampton.

CARROLL COUNTY: Washburn, Downs, Hill, Lucy, Wild, Hodgdon, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Nicoll, Moore, Rancour, Marden, Coakley, Ferrin, Colbath, Kennedy of Concord, Suosso, Hurd, Nash, Saltmarsh, Tilton of Concord, Roby, Blodgett, Nawn, Sargent, Towle, Chase, Burke, Lorden, Dudevoir, Mullaire, Spiller, Carr, Lea, Ferguson, Yerxa, Savory, Stebbins..

And the motion to adjourn did not prevail.

The question being on the motion of Mr. Sanborn of Wakefield to lay House Bill No. 212 and the Senate amendment on the table.

Mr. Sanborn of Wakefield withdrew his motion.

Mr. Jones of Lebanon moved that House Bill No. 212 be laid upon the table and made a special order for Thursday, July 21 at 11:01 o'clock.

On a *viva voce* vote the motion did not prevail.

Mr. Myhaver of Peterborough moved that the House concur in the amendments sent down from the Honorable Senate on House Bill No. 212.

The question being on the motion to concur.

(Discussion ensued)

Mr. Ferguson of Pittsfield spoke in favor of the motion.

Mr. Betley of Manchester spoke against the motion.

Mr. Betley of Manchester called for reading of the Senate amendment, page 63, "Aid to State Education" on House Bill No. 211.

The Speaker read the amendment.

The question being on the motion to concur.

Mrs. Dondero of Portsmouth demanded the yeas and nays, but subsequently withdrew her demand.

The question being on the motion to concur.

Mr. Lea of Pembroke moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to concur.

On a *viva voce* vote the House concurred in the amendments sent down from the Honorable Senate on House Bill No. 212.

### Reconsideration

Mr. Myhaver of Peterborough moved that the House reconsider the vote whereby the House concurred in the amendments sent down from the Honorable Senate to House Bill No. 212.

The question being on the motion to reconsider.

(Discussion ensued)

Mr. Ferguson of Pittsfield spoke in favor of the motion.

Mr. Betley of Manchester spoke against the motion.

Mr. Betley of Manchester moved that the bill and amendments be laid upon the table.

On a *viva voce* vote the motion did not prevail.

Mr. Betley of Manchester demanded the yeas and nays.

Mr. Jones of Lebanon moved that the House adjourn.

On a *viva voce* vote the motion did not prevail.

Mr. Jones of Lebanon asked for a division.

A division being had, the vote was declared manifestly in the negative, and the motion to adjourn did not prevail.

The question being on the motion to lay upon the table, the roll was called with the following result.

### Hillsborough County

Yeas, 5

Spaulding of Hudson, Betley, Gauthier, Thompson of New Ipswich, Bigelow.

Nays, 79

Tracy, Wilson, French, Black, Farwell, Ellsworth, Jones of Francetown, Hambleton, Reed of Goffstown, Tirrell, Adams of Greenfield, Doonan, English, Boynton, Crosby, Goodwin of Hollis, Goodwin of Hudson, Reid of Litchfield, Corliss, Daniels of Manchester, Danforth, Geisel, Martel, Sweeney, Fitzgerald, Kean, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of Manchester, Casey, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, O'Connor, Sullivan of Manchester, Ward

7, Deslisle, Simard, Cary, Gagnon of Manchester, Auger, Getz, Roche, Roukey, April, Laflamme of Manchester, Lareau, Vailancourt, Daniel of Manchester, Thibodeau of Manchester, Cannon, Donnelly, Wedick, Peaslee of Merrimack, Wadleigh, Atherton, Cooper, Boire, Landry, Belcourt, Brosnahan, Spalding of Nashua, Chasse, Marquis, Maynard, Dionne, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Janelle, Shedd, Myhaver, Osborne, Barry.

Mr. Betley of Manchester withdrew his demand for a roll call and the motion did not prevail.

The question being on the motion to reconsider the vote whereby the House concurred in adoption of the amendments sent down from the Honorable Senate on House Bill No. 212.

Mr. Myhaver of Peterborough asked for a division.

A division being had, the vote was declared manifestly in the negative, and the motion to reconsider did not prevail.

### Concurrent Resolutions

Mr. Ferguson of Pittsfield offered the following concurrent resolution:

*Resolved, By the House of Representatives, the Senate concurring:*

*That* there shall be a special Legislative Committee to function during the interim period between adjournment and the special session, composed of seven members of the House, to be appointed by the Speaker of the House, and three members of the Senate, to be appointed by the President of the Senate, who shall examine the fiscal condition of the State and the sufficiency of the funds appropriated to carry on the essential functions of the state. This committee shall report to the special session of this Legislature such additional tax and other revenue measures and appropriations as may be needed to carry on the essential functions of the state government, including education. The legislative budget officer is directed to assist this committee in carrying out its duties.

The question being on the concurrent resolution.

(Discussion ensued)

Mr. Ferguson of Pittsfield spoke in favor of the resolution.

Mr. Pickett of Keene moved that the concurrent resolution be laid upon the table and made a special order for Thursday, July 21 at 11:01 o'clock.

The question being on the motion of Mr. Pickett.

(Discussion ensued)

Messrs. Pickett of Keene, Jones of Lebanon, Atherton of Nashua, Laraba of Portsmouth, Sanborn of Wakefield and Ferguson of Pittsfield spoke against the motion.

Messrs. Myhaver of Peterborough and Spaulding of Hudson and Mrs. Brungot of Berlin spoke against the motion.

On a *viva voce* vote the motion prevailed and the concurrent resolution was made a special order.

### Taken from Table

Mr. Martel of Manchester moved that House Bill No. 186 be taken from the table.

On a *viva voce* vote the motion did not prevail.

On motion of Mr. Wadleigh of Milford the House adjourned from the morning session.

The House was immediately called in order in afternoon session.

On motion of Mr. Wadleigh of Milford the rules were suspended and the third readings of bills by their titles only and joint resolutions by caption only were made in order.

### Third Readings

House Bill No. 532, An act making appropriations for capital improvements and long term repairs for the state of New Hampshire.

House Bill No. 533, An act relating to the city of Nashua.

Severally read a third time and passed and sent to the Senate for concurrence.

Senate Joint Resolution No. 18, Joint resolution to establish an interim commission to study the present motor vehicle financial responsibility law.

Read a third time and passed and sent to the Senate for concurrence in the amendments.

On motion of Mrs. Lucy of Conway at 4:00 o'clock the House adjourned.

THURSDAY, JULY 21, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

O Lord, Who hast taught us to pray: "Thy kingdom come; Thy will be done;" help us to more fully realize our duty toward the answer to that prayer. Thou hast taught us that Thy kingdom is in the hearts of men and women; may our lives be open to the entrance of that kingdom of peace and righteousness and good-will among all men. In the activities and duties of this day, O Lord, help us to be led by Thy will. Give to us the will to submit to Thy will; imbue us with a deep desire to be led by Thy Infinite wisdom. Through the same Jesus Christ our Lord. Amen.

#### Leave of Absence

Messrs. Bigelow of Pelham, Sommers of Holderness and Barney of Rumney were granted leave of absence for the day on account of important business.

Mr. Peever of Salem was granted leave of absence for the week on account of important business.

#### Committee Reports

Mrs. Mason of Berlin, for the Committee on Judiciary, to whom was referred Senate Bill No. 78, An act relating to housing authorities, reported the same with the following amendment and the recommendation that the bill as amended ought to pass.

Amend section 5 as inserted by section 1 of the bill by striking out all after the word "collected" in line 7 so that said section as amended shall read as follows:

5. *Tax Exemption.* No state subsidies shall be made available for any housing project unless and until the municipality in which such housing project is situated shall contract, or have contracted to exempt the housing project from local or municipal taxes to the extent permitted by section twenty-three, part I; provided that such contract shall require a housing authority to make a payment in lieu of taxes at the end of each fiscal year or not less than ten per cent nor more than twenty per cent of the shelter rent collected.

Amend the bill by striking out section 8 as inserted in section 1 of the bill.

Further amend the bill by striking out section 2 and inserting in place thereof the following new sections:

2. *Modification of Contracts for Financial Assistance.* Any contract for financial assistance entered into prior to the passage of this act between the state and a housing authority for a housing project shall be valid and may be revised, superseded or amended if such action is found by the state housing board to be in the financial interests of the state and is approved by the governor with the advice and consent of the council so that the provisions of part III, chapter 169 as hereinbefore amended will be applicable to that contract for financial assistance and the housing project to which it relates, provided that a contract for financial assistance may not be revised, superseded or amended in a manner which would impair the right of the holders of any outstanding obligations of a housing authority.

3. *Ratification of Co-operation Agreements.* The co-operation agreement between the city of Manchester and the Housing Authority of the city of Manchester dated the 22nd day of March, 1948, is hereby validated, ratified, confirmed, approved and declared legal in all respects and is hereby declared to constitute full compliance with the provisions of this act. The cooperation agreement between the city of Nashua and the Nashua Housing Authority dated as of the 14th day of April, 1948, is hereby validated, ratified, confirmed, approved and declared legal in all respects and is hereby declared to constitute full compliance with the provisions of this act.

4. *Takes Effect.* This act shall take effect upon its passage but no new contract or any addition to any present contracts shall be entered into or negotiated with a housing authority for state assistance for a housing project after the passage of this act.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Fernald of Rochester, for the Committee on Fisheries and Game, to whom was referred House Bill No. 102, An act relative to taking wild deer in certain counties of the state,

reported the same, as printed in the Journal of Wednesday, July 20th on pages 6 and 7, and the recommendation that the bill as amended ought to pass.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

### Introduction of Bill

The following bill was introduced, read a first and second time, laid upon the table to be printed, and referred as follows:

House Bill No. 534, An act to amend the charter of the Rockingham Farmers' Mutual Fire Insurance Company.

Read a first and second time, and referred to the Committee on Insurance.

Mr. Laraba of Portsmouth moved that the rules be suspended, printing and reference to a committee be dispensed with, on House Bill No. 534.

On a *viva voce* vote the motion prevailed.

Mr. Laraba of Portsmouth moved that the rules be further suspended, the bill be put upon its third reading, by title, and final passage, at the present time.

On a *viva voce* vote the motion prevailed.

The bill was read a third time and passed, and sent to the Senate for concurrence.

### Concurrent Resolution

Mr. Myhaver of Peterborough offered the following concurrent resolution:

*Whereas*, It appears that all necessary legislative work may be accomplished by Wednesday, July 27, next, therefore be it

*Resolved, By the House of Representatives the Senate concurring*, That the present session of the legislature be brought to final adjournment on Wednesday, July 27, next, at 5 o'clock in the afternoon.

*Be It Further Resolved*, That on that date all reports, bills and joint resolutions, with the exception of such as have been referred to the next legislature, be indefinitely postponed.

The question being on the concurrent resolution.

(Discussion ensued)

Mr. Myhaver of Peterborough spoke in favor of the concurrent resolution.

On a *viva voce* vote the concurrent resolution was adopted, and sent to the Senate for concurrence.

### Resolutions

Mr. Scammon of Stratham offered the following resolution:

*Whereas*, Mrs. Arkade Dusik, wife of Arkade Dusik, Representative from Lyman, has presented him with a six pound, nine ounce girl on Monday, July 18, therefore be it

*Resolved*, That we, the members of the House of Representatives, extend to our fellow member and his wife our heartiest congratulations on the birth of a daughter, and our best wishes to the baby girl for a long and happy life, and be it further

*Resolved*, That the Clerk of the House transmit to Mr. and Mrs. Dusik a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

### Special Order

Mr. Ferguson of Pittsfield called for the special order, It being Concurrent Resolution.

*Resolved, By the House of Representatives, the Senate concurring:*

*That* there shall be a special Legislative Committee to function during the interim period between adjournment and the special session, composed of seven members of the House, to be appointed by the Speaker of the House, and three members of the Senate, to be appointed by the President of the Senate, who shall examine the fiscal condition of the State and the sufficiency of the funds appropriated to carry on the essential functions of the state. This committee shall report to the special session of this Legislature such additional tax and other revenue measures and appropriations as may be needed to carry on the essential functions of the state government, including education. The legislative budget officer is directed to assist this committee in carrying out its duties.

The question being on its adoption.

On a *viva voce* vote the concurrent resolution was adopted and sent to the Senate for concurrence.



### Engrossed Bills Report

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

Senate Bill No. 140, An act relative to bond issue for the Pittsburg School District.

House Bill No. 7, An act relative to white pine blister law.

House Bill No. 320, An act relating to the extermination of wild boar in the counties of Sullivan and Grafton.

House Bill No. 425, An act relative to capital reserves for the city of Manchester.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 88, An act relating to the covering of wells, reported the same, under Joint Rule No. 6, with the following amendment and the recommendation that the bill as amended ought to pass.

Amend said bill by renumbering the sections of the new subdivision inserted by section 1 to read 33, 34, 35 and 36.

Further amend said bill by striking out the first two lines of section 1 and inserting in place thereof the following:

1. *Abatement of Nuisances.* Amend chapter 165 of the Revised Laws by adding after section 32 as inserted by chapter 133 of the Laws of 1949 and amended by chapter 261 of the Laws of 1949 the following new subdivision:

On motion of Mr. Johnson of Northwood the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 175, An act relating to the distribution, sale, or transportation of insecticides, fungicides, rodenticides, and other economic poisons.

House Bill No. 308, An act relating to diseases of domestic animals.

The message also announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives.

House Bill No. 87, An act relating to the establishment of a civil defense agency.

Amend the title of the bill by adding at the end thereof the words, and providing for military defense of interstate bridges, etc., so that said title as amended shall read as follows:

An act relating to the establishment of a civil defense agency and providing for military defense of interstate bridges, etc.

Amend section 3 of the bill by striking out the whole of said section and inserting in place thereof the following:

3. *State Civil Defense Agency.* There is hereby created a "division of civil defense" (hereinafter called the state civil defense agency) and a state director of civil defense (hereinafter called the state director). The governor, with the advice and consent of the council, shall appoint a state director to serve during their pleasure. The said state director may employ such necessary technical, clerical, stenographic and other personnel, fix their compensation, and may make such necessary expenditures from state or federal funds as are or may be made available to him for purposes of civil defense. The state director and other personnel of the civil defense agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. The state director, subject to the direction of the governor, shall be the executive head of the civil defense agency and shall be responsible to the governor for carrying out the program for civil defense of the state. He shall co-ordinate the activities of all organizations for civil defense within the state, state and local, and shall maintain liason with and cooperate with civil defense agencies and organizations of other states and of the federal government, and

shall have such additional authority, duties and responsibilities authorized by this act as may be prescribed by the governor.

Further amend said bill by inserting after section 17 a new section as follows:

18. *Amendment.* Amend the Revised Laws by inserting after chapter 143 a new chapter as follows:

### Chapter 143-A

#### **Military Defense of Interstate Bridges, Etc.**

1. *Military Defense of Interstate Bridges.* In order equitably to allocate responsibilities between this and adjoining states for the security of interstate bridges and other interstate structures and facilities, in time of war or military emergency or when hostile destructive acts on the part of enemy agents have occurred, are anticipated, or are suspected, the governor is hereby authorized to negotiate and to enter into formal agreements with the governors of the Commonwealth of Massachusetts and of the states of Maine and Vermont relative to the protection of such interstate bridges, structures and facilities, provided such other states are authorized to enter into similar defensive agreements. Such agreements shall set forth the specific interstate bridges, structures or facilities for which each state is to provide military protection, if required by war or military emergency, or if requested under such circumstances by the appropriate authorities of the armed forces of the United States. The agreements may authorize the entrance into and the continued presence within this state of the military forces of such other states whenever and to such extent as may be required to carry out the purposes of this act. A copy of each such interstate agreement shall be furnished by the adjutant general to such persons as he may deem necessary.

Further amend said bill by renumbering section 18 to read section 19.

On motion of Mr. Laraba of Portsmouth the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

### Motion

Mr. Turner of Keene offered the following motion.

I move that Committee on Ways and Means, to whom was referred House Bill No. 237, An act increasing the motor vehicle road toll, be discharged of further consideration of this bill, and that it be made a special order of business for 11:01 A. M., Tuesday, July 26, 1949.

The question being on the motion.

(Discussion ensued)

Messrs. Turner and Pickett of Keene, Angus of Claremont, Sanborn of Wakefield, Oakes of Landaff, Connor of Henniker, Tirrell of Goffstown and Willey of Campton, spoke in favor of the motion.

Messrs. Dwinell of Lebanon, Holden of Hanover, Ather-ton of Nashua, Baron of Claremont, Lea of Pembroke, Spaulding of Hudson, and Rathbone of Exeter, spoke against the motion.

On a *viva voce* vote the motion did not prevail.

Mrs. Brungot of Berlin asked for a division.

A division being had, 178 members having voted in the affirmative, and 123 members having voted in the negative, the motion prevailed, and House Bill No. 237 was made a special order for Tuesday, July 26, at 11:01 o'clock.

On motion of Mr. Wadleigh of Milford the rules were suspended, and business in order at the afternoon session made in order at the present time, and the third readings, by title, of bills, made in order at the present time, and when the the House adjourns today it adjourns to meet Tuesday at 11:00 o'clock.

### Third Readings

House Bill No. 102, An act relative to extension of a special appropriation for the Fish and Game Department.

Read a third time and passed, and sent to the Senate for concurrence. •

Senate Bill No. 78, An act relating to housing authorities.

Read a third time and passed, and sent to the Senate for concurrence in the amendment.

On motion of Mrs. Phelan of Stark at 12:20 o'clock the House adjourned.

TUESDAY, JULY 26, 1949

The House met according to adjournment.

Prayer was offered by Dr. Daniel J. Polling of Deering.

Let us all pray.

God of our fathers we thank Thee for this day and for this occasion of bringing us together and for the matters committed to our hands. We pray that we may be given help with the burdens with which we are faced. We seek guidance. Furnish us with wisdom to deal with these matters in hand. We thank Thee for our blessings, for our country and for our State. We ask Thee to bless our country, the Governor of New Hampshire, the President of the United States. We ask all these things in the name of Jesus Christ. Amen.

### **Leaves of Absence**

Mr. Ring of Alstead was granted leave of absence for the day on account of important business.

Mr. Ashley of Lebanon was granted leave of absence for the week on account of illness.

### **Engrossed Bills Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled joint resolutions and bills:

Senate Joint Resolution No. 18, Joint resolution to establish an interim commission to study the present motor vehicle financial responsibility law.

House Joint Resolution No. 21, Joint resolution reimbursing certain towns for forest fire expenses.

House Joint Resolution No. 28, Joint resolution relative to funds of aeronautical facilities and relative to a certain private claim.

House Joint Resolution No. 35, Joint resolution in favor of the estate of Andrew C. Elliott.

House Joint Resolution No. 36, Joint resolution in favor of the estate of Octave J. Goulet.

House Joint Resolution No. 37, Joint resolution in favor of the estate of Perl L. Hutchins.

Senate Bill No. 88, An act relating to the covering of wells.

Senate Bill No. 127, An act relative to the powers of the director of fish and game.

House Bill No. 38, An act relative to the salary of the director of the children's study home.

House Bill No. 87, An act relating to the establishment of a civil defense agency and providing for military defense of interstate bridges, etc.

House Bill No. 79, An act to provide for mayor-councilmen form of charter for the city of Keene.

House Bill No. 111, An act relative to control of air pollution.

House Bill No. 175, An act relating to the distribution, sale, or transportation of insecticides, fungicides, rodenticides, and other economic poisons.

House Bill No. 211, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1950.

House Bill No. 212, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1951.

House Bill No. 255, An act dividing Merrimack county into commissioner districts.

House Bill No. 308, An act relating to diseases of domestic animals.

House Bill No. 487, An act relating to the Northeastern Interstate Forest Fire Compact.

House Bill No. 526, An act relative to the salary of the city clerk of Laconia.

House Bill No. 533, An act relative to the city of Nashua.

House Bill No. 534, An act to amend the charter of the Rockingham Farmers Mutual Fire Insurance Company.

The report was accepted.

### **Introduction of Bill and Joint Resolution**

The following bill and joint resolution were severally introduced, read a first and second time, laid upon the table to be printed and referred as follows:

By the Committee on Rules, House Bill No. 535, An act relating to a transfer of funds to the general funds of the state.

Read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Atherton of Nashua moved that the rules of the House be suspended, printing of the bill be dispensed with, and the Committee on Appropriations be allowed to hold a hearing, without advertising in the Journal.

On a *viva voce* vote the motion prevailed.

By the Committee on Rules, House Joint Resolution No. 38, Joint resolution in favor of Clarence A. DuBois and others.

Read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

Mr. Atherton of Nashua moved that the rules of the House be suspended, printing of the joint resolution be dispensed with and the Committee on Appropriations be allowed to hold a hearing, without advertising in the Journal.

On a *viva voce* vote the motion prevailed.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 413, An act relating to lobsters and crabs, reported the same, under Joint Rule No. 6, with the following amendment and the recommendation that the bill as amended ought to pass.

Amend section 5 of said bill by inserting before the word "not" in the sixth line the word, notch,

Amend section 6 of said bill by striking out the words "the preceding" and by inserting after the word "section" the figure, 45,

Amend section 7 of said bill by striking out the words "of an inch" in the sixth line and inserting in place thereof the word, inches,

Amend section 8 of said bill by striking out the first three lines and inserting in place thereof the following:

8. *Cooked Lobster.* Amend chapter 245 of the Revised Laws by inserting after section 47 the following new section: 47-a. *Exceptions.* Nothing in the

Further amend said section 8 by striking out the last line and inserting in place thereof the following: meat for immediate consumption for himself, his family and guests.

Amend section 12 of said bill by striking out said section and inserting in place thereof the following:

12. *Forfeiture of Licenses.* Amend chapter 245 of the Revised Laws by inserting after section 53-a the following new section: 53-b. *Revocation.* Any person holding a license under sections 53 or 53-a who is convicted of a violation of the laws relating to lobsters and crabs shall forfeit such license for not more than one year from the date of conviction in the discretion of the director.

Amend section 13 of said bill by inserting after the figure "50" the figure, 53,

Amend section 14 of said bill by striking out the same and inserting in place thereof the following:

14. *Saving Clause.* Nothing herein contained shall in any manner affect the prosecution of any offense, relative to lobsters and crabs, committed prior to the passage of this act which said offense may be prosecuted or prosecution therefor continued under the provisions of sections 42 to 56 of chapter 245 of the Revised Laws as they existed prior to the passage of this act.

On motion of Mr. Fernald of Rochester the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 192, An act authorizing the town of Belmont to issue notes or bonds for water system.

Amend section 1 of the bill by striking out the words and figures "one hundred one thousand dollars (\$101,000)" and in-



serting in place thereof the words and figures, fifty thousand dollars (\$50,000); so that said section as amended shall read as follows:

1. *Authority Granted.* The town of Belmont is hereby authorized to issue its serial notes or bonds to an amount not exceeding fifty thousand dollars (\$50,000) for the purpose of renewing the town water system and of making additions and improvements thereto.

On motion of Mr. Dearborn of Belmont the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 219, (in new draft and new title), An act relative to determination of value of annuities of life estates, to the inheritance tax law.

Amend section 1 of the bill by striking out the words "life mortality tables" in the seventh line of said section, and substituting therefor the words, Life Tables and Actuarial Tables, based on the latest U. S. Census for which such tables are published, so that said section as amended shall read:

1. *Inheritance Tax.* Section 6 of chapter 87 of the Revised Laws by striking out the words "actuaries' combined experience" and inserting in place thereof the words, United States life mortality, so that said section as amended shall read as follows: 6. *Life Interest; Remainder.* The value of an annuity or life estate shall be determined by the United States Life Tables and Actuarial Tables, based on the latest U. S. Census for which such tables are published at four per cent compound interest, and the value of any intermediate estate less than a fee shall be so determined whenever possible. The value of a remainder after such estate shall be determined by subtracting the value of the intermediate estate from the total value of the bequest or devise.

On motion of Mr. Hurd of Concord the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 530, An act to establish a standard mileage table for the general court.

Amend section 1 of the bill by striking out in said section the figures "76" opposite the word "Conway" and inserting in place thereof the figures, 81.

On motion of Mr. Hurd of Concord the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills and Joint resolution, in the adoption of which amendments the Senate asks the concurrence of the House of Representatives:

House Bill No 516, An act to supplement the appropriation for the Legislative Department.

Amend section 1 of said bill by adding at the end thereof the following: The governor is hereby authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

On motion of Mr. Sanborn of Wakefield the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 525, An act relative to capital reserve of the city of Manchester.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act to legalize proceedings of certain towns, school districts and county delegations, to authorize other municipal action, and relative to trustees of Brackett Academy, the charter of the Manchester Savings Bank and the reclassification of a road in Milton.

Amend section 10 of said bill by striking out the same and inserting in place thereof the following:

10. *Bonds Authorized.* In accordance with section 9 hereof, the commissioners of the village fire precinct of the

town of Wolfeboro are hereby empowered and authorized to issue for and in behalf of said district serial notes or bonds to an amount not exceeding one hundred thousand dollars for the purposes specified in said section 9. Said notes or bonds shall be issued in conformity with the provisions of chapter 72 of the Revised Laws excepting as may be otherwise provided in sections 9, 10 and 11 hereof.

On motion of Mr. Laraba of Portsmouth the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Joint Resolution No. 11, Joint resolution in favor of Brenden J. Splaine.

Amend the caption of said resolution by adding at the end thereof: and David A. Proctor.

On motion of Mr. Kelley of Gilmanton the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 146, An act prohibiting the advocating of doctrines of communism or overthrow of government by force in public or state approved schools or state institutions, in the state.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act prohibiting the advocating of doctrines of communism or overthrow of government by force in public or state approved schools or state institutions, in the state.

Amend section 1 of said bill by striking out the word "person" in the first line and inserting in place thereof the word, teacher.

On motion of Mr. Hart of Wolfeboro the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 435, (in new draft), An act relating to the charter of the city of Portsmouth.

Amend said bill by striking out the word "Chapter" where it appears at the head of each subdivision and inserting in place thereof the word, Part.

Amend said bill by striking out the words "*viva voce* vote on roll call" where they occur in reference to said elections and inserting in place thereof the words, roll call vote.

Amend section 30 of the new charter as inserted by section 1 of the bill by striking out the first three lines and inserting in place thereof the following:

30. *Jurisdiction.* The board of health created by section 29 shall have jurisdiction over all the harbor of the Piscataqua.

Amend section 32 of said new charter by striking out the same and inserting in place thereof the following:

32. *Composition.* A majority of said board may act in any case.

Amend section 37 of said new charter by striking out the word "forfeit" and inserting in place thereof the words, be fined.

Amend section 38 of said new charter by striking out the same and inserting in place thereof the following:

38. *Board of Street Commissioners.* There shall be in said city a board of street commissioners consisting of three members who shall be elected at the municipal election and who shall hold office for two municipal years next following their election and until their successors are elected and qualified.

Amend section 48 of said new charter by striking out the last two lines and inserting in place thereof the following: to expend any money in excess of funds available therefor. Any member of said board who shall violate any of the provisions of this section shall be removed from office by the city council after due hearing.

Amend section 57 of said new charter by striking out the word "act" and inserting in place thereof the word, subdivision.

Amend section 60 of said new charter by striking out the same and inserting in place thereof the following:

60. *Police Department.* The provisions of chapter 148 of the Laws of 1913 relative to the appointment, powers and duties of the police commission for the city of Portsmouth shall continue in full force and effect.

Amend said new charter by striking out sections 61, 62, 63, 64, 65 and 66.

Amend section 73 of said new charter by striking out the words "wilful and corrupt" in the third line and by inserting after the word "conduct" in the fourteenth line the word, himself.

Amend section 81 of said new charter by striking out the words "December biennially" and inserting in place thereof the words and figures, December 1949 and in November biennially thereafter.

Amend sections 86, 87, 88 and 90 of said new charter by striking out the words "school committee" and inserting in place thereof the words, board of education.

Amend section 89 of said new charter by striking out the word "committee" and inserting in place thereof the word, board.

Amend sections 91 and 92 of said new charter by striking out the words "of instruction" after the word "board."

Amend section 85 of said new charter by striking out the words "an English grammar" and inserting in place thereof the word, such.

Amend section 91 of said new charter by striking out the word "elected" in the third line and inserting in place thereof the word, nominated.

Amend section 95 of said new charter by striking out the same and inserting in place thereof the following:

95. *Statement to Mayor and Council.* Annually in the month of January the board of education of said city of Portsmouth shall submit to the mayor and council a statement of the sum of money needed to carry out the provisions of this subdivision.

Amend section 96 of said new charter by striking out the words "school board of the city of Portsmouth" and inserting in place thereof the words, board of education.

Further amend said bill by renumbering sections 67 to 103 to read 61 to 97.

Further amend said bill by striking out the figure "100" in the second line of section 1 and inserting in place thereof the figure, 94.

On motion of Mr. Foote of Portsmouth the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 491, An act establishing an official gauge for measuring the water levels of Lake Winnepesaukee.

Amend said bill by inserting after the word "second" in the ninth line the word, of,

Further amend said bill by striking out section 2 and inserting in place thereof the following:

2. *Enforcement and Repeal.* Upon complaint of not less than ten owners of property on Lake Winnepesaukee a hearing may be held before the water control commission and proceedings instituted as provided in section 48 of chapter 267 of the Revised Laws. Such parts of chapter 118 of the Laws of 1911 as may be inconsistent with the provisions of this act are hereby repealed.

On motion of Mr. Dort of Chesterfield the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 499, An act relating to forest conservation and taxation.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5. *Repeal.* Sections 31 to 47 inclusive of chapter 73 of the Revised Laws and section 2 of chapter 144 of the Laws of 1943 are hereby repealed. Such parts of section 4 of chapter 76 of the Revised Laws as amended by section 1, chapter 144, Laws of 1943, as require the selectmen's invoice to show valuation of growing wood and timber separately from the land, and such parts of section 3, chapter 75 of the Revised Laws as amended by section 3, chapter 144, Laws of 1943, and chapter 86 of the Laws of 1947 as require the owner in returning

his inventory of property to list an estimate of the amount and kind of wood and timber owned by him, are hereby suspended during the time this act is in effect.

On motion of Mr. Dort of Chesterfield the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

House Bill No. 514, An act relative to indemnity for condemned domestic animals.

Amend section 1 of said bill by inserting after the figure "1945" in the fifth line the words, and as amended by an act passed at the present session of the general court.

On motion of Mr. Connor of Henniker the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Committee Reports

Mr. Sanborn of Wakefield, for the Committee on Appropriations, to whom was referred House Bill No. 252, An act relative to retirement benefits of court stenographers, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

The report was accepted and the resolution of the committee adopted.

Mr. Daniels of Ward 1, Manchester, for the Committee on Appropriations, to whom was referred House Bill No. 408, An act relative to making appropriations for and on behalf of the New Hampshire Wing, civil air patrol, reported the same with the following amendment and the recommendation that the bill as amended ought to pass.

Amend section 2 of the bill by striking out the second, third, fourth and fifth lines and inserting in place thereof the following: for the fiscal year ending June 30, 1950, the sum of four thousand dollars; for the fiscal year ending June 30, 1951, the sum of three thousand dollars, so that said section as amended shall read as follows: 2. *Appropriations*. There

is hereby appropriated for the fiscal year ending June 30, 1950, the sum of four thousand dollars; for the fiscal year ending June 30, 1951, the sum of three thousand dollars. The sums hereby appropriated shall be expended to carry out the functions and operations of the New Hampshire Wing, civil air patrol, in so far as these operations and functions pertain to the conditioning, maintenance and operation of the equipment now in the possession of the New Hampshire Wing, together with any additional equipment purchased, assigned or donated to said Wing, provided that no part of said sums shall be expended for any commitments made prior to the passage of this act. The governor is hereby authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Sanborn of Wakefield, for the Committee on Appropriations, to whom was referred House Bill No. 451, An act relative to airways toll and the aeronautical fund, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to commercial landing areas and fees for engineering and other services by the aeronautics commission.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Definition.* Amend section 3 of chapter 306 of the Revised Laws by inserting after paragraph XVI the following new paragraph: XVI-a. "Commercial landing area" means any landing area used or intended to be used to render an aeronautical service for compensation in connection with the operation, service, maintenance or repair of aircraft.

2. *Additional Revenue.* Amend the first paragraph of section 29 of chapter 306 of the Revised Laws by adding after the word "certificates" in the second line the words, and for rendering certain services, so that said paragraph as amended shall read as follows: The commission is hereby authorized to collect the following fees for the issuance of registration certificates and for rendering certain services.



3. *Engineering Services.* Further amend section 29 of chapter 306 of the Revised Laws by inserting after paragraph IX as inserted by section 7, chapter 281 of the Laws of 1947, the following new paragraph: X. For rendering engineering and other services in connection with aeronautical activities and plans contemplated by section 8 of this chapter, by section 17-a of this chapter as inserted by section 6 of chapter 281 of the Laws of 1947 and by section 80 of chapter 51 of the Revised Laws, the expense involved for personal services and expenses of the commission.

4. *Repeal.* Paragraph IX of section 30 of chapter 306 of the Revised Laws relative to the fee for the registration of more than one private landing area by the same person is hereby repealed.

5. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

Mr. Oakes of Landaff, for the Committee on Appropriations, to whom was referred House Bill No. 480, An act providing for the study, treatment and care of inebriates, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend the bill by striking out section 3 and renumbering section 4 to read section 3.

The report was accepted, the amendment adopted.

Mr. Eldredge of Exeter offered the following amendment:

Amend by inserting a period after the word "chapter" in line 2, and strike out all the following words, so that the bill shall read:

1. *Care of Inebriates.* Amend chapter 254 of the Laws of 1947 by striking out said chapter.

The question being on the amendment.

(Discussion ensued)

Mr. Eldredge of Exeter spoke in favor of the amendment.

Messrs. Atherton of Nashua, Tirrell of Goffstown, Holden of Hanover, Sanborn of Wakefield, Wadleigh of Milford, Barry of Wilton and Lea of Pembroke, spoke against the amendment.

On a *viva voce* vote the amendment was not adopted.

The bill was ordered to a third reading.

Mr. Atherton of Nashua moved that the rules be suspended, and House Bills Nos. 408, 451 and 480 be put upon their third reading, by titles, and final passage at the present time.

On a *viva voce* vote the motion prevailed.

House Bills Nos. 408, 451, 480 were read a third time and passed and sent to the Senate for concurrence.

Mr. Cummings of Newport, for the Committee on Appropriations, to whom was referred Senate Bill No. 84, An act extending an appropriation for the Mt. Sunapee recreational project, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Oakes of Landaff, for the Committee on Appropriations, to whom was referred House Bill No. 29, An act establishing the New Hampshire teachers' retirement system, reported the same with the following amendment and the recommendation that the bill as amended ought to pass.

Amend section 2 of the new chapter as inserted by the bill by striking out the word and figures "July 1, 1949" and inserting in place thereof the word and figures, January 1, 1950, so that said section as amended shall read as follows:

2. *Name and Date of Establishment.* The retirement system hereby created shall be established as of January 1, 1950. It shall have the powers, privileges and immunities of a corporation, and shall be known as the "New Hampshire Teachers' Retirement System," and by such name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held in trust for the purpose for which received.

Amend paragraph I of section 13 of said new chapter by striking out the word and figures "July 1, 1949" and inserting in place thereof the word and figures, January 1, 1950, so that said paragraph as amended shall read as follows:

I. On and after January 1, 1950 no new members shall be added to the membership of the existing New Hampshire

teachers' retirement system as established by chapter 136, Revised Laws. .

Amend paragraph II of section 13 of said new chapter by striking out the word and figures "July 1, 1949" where they occur and inserting in place thereof the word and figures, January 1, 1950, so that said paragraph as amended shall read as follows:

II. Any member of the existing system in service, or on an approved leave of absence, on January 1, 1950 shall become a member of this system as provided in section 3, paragraph II, hereof, unless he files an election not to be included in the membership as therein prescribed. Anything in section 4, paragraph II, hereof to the contrary notwithstanding, if he becomes a member of this system within one year after January 1, 1950 the service certified on his prior service certificate as provided in said section shall be not less than the service as a teacher with which he was credited as a member of the existing system on January 1, 1950.

Amend paragraph IV of section 13 of said new chapter by striking out the word and figures "July 1, 1949" and inserting in place thereof the word and figures, January 1, 1950, so that said paragraph as amended shall read as follows:

IV. All retirement allowances to teachers retired under the existing system and in force on January 1, 1950 shall be paid thereafter from the state annuity accumulation fund created hereunder; provided that the part of any retirement allowance then in force which is provided from employer contributions shall be not less than the state annuity which would have been payable hereunder if the provisions hereof had been in force at the time of retirement and that no teacher shall get less under the new system than is being received under the existing system.

Amend paragraph V of section 13 of said new chapter by striking out the word and figures "July 1, 1949" where they occur and inserting in place thereof the word and figures, January 1, 1950, so that said paragraph as amended shall read as follows:

V. Within ninety days subsequent to January 1, 1950 the teachers' retirement board of the existing system shall

transfer to the state annuity accumulation fund created herein cash and securities standing to the credit of the existing system having a value equal to the amount by which the total assets of the existing system then exceed the sum of the amounts standing to the credit of individual members of the existing system as of the date of such transfer. The residue of any appropriation by the state remaining on January 1, 1950 for its contributions to the existing system, except the amount estimated to be necessary on account of any teacher in active service remaining in the existing system, shall be transferred and credited to the state annuity accumulation fund created hereunder.

Further amend said bill by inserting after section 4 the following new sections:

5. *First Assessment.* The first assessment by the board of trustees to each employer relative to the percentage rates of contribution due the system from such employer shall be made January 1, 1950 and such original assessment shall be for a period of six months.

6. *Teachers' Retirement Fund Tax.* Beginning with April 1, 1950 and annually thereafter, a tax of one dollar shall be assessed on every inhabitant of the state of twenty-one years of age and over, whether a citizen of the United States or an alien, except paupers and insane persons.

7. *Assessment and Collection.* The teachers' retirement fund tax provided for hereunder shall be assessed, levied and collected in accordance with the laws relating to poll taxes, except as otherwise herein provided. A separate account of the tax provided for herein shall be kept by the several towns and city officers and it shall be paid by the several towns and cities to the state treasurer, on or before the first day of December of the several years and the state treasurer is hereby authorized to issue his extent for all taxes which shall remain unpaid on said dates last mentioned. The state treasurer shall keep all funds accruing from the collection of the teachers' retirement fund tax provided for hereby in a separate account from which he shall pay the indebtedness incurred by the state under the provisions of this act as the same shall become due. Any balance in said separate account after making the payments authorized hereunder shall not be used for any other purposes

than for benefits or assistance for teachers to such an extent as the legislature may authorize.

8. *Payment Required.* Every applicant for a permit to register a motor vehicle, every applicant for a permit to operate a motor vehicle and every applicant for a resident license under the fish and game laws shall furnish to the issuing officer a tax collector's receipt for the payment of his teachers' retirement fund tax for the preceding year or make oath that he has either paid said taxes or has been relieved from such payment because of exemption or abatement. The provisions of this section shall not be effective until after the assessment of the first tax under the provisions of this act.

Amend section 6 of said bill by striking out the same and renumbering so that said section as amended shall read as follows:

9. *Takes Effect.* This act shall be effective as of January 1, 1950.

The report was accepted.

The question being on the amendment.

Mr. Scammon of Stratham offered the following resolution:

*Resolved, That House Bill No. 29, An act establishing the New Hampshire Teachers Retirement System, with the amendment pending be referred to the next legislature or any special session called sooner.*

The question being on the resolution.

(Discussion ensued)

Messrs. Scammon of Stratham, Edson of Lebanon, and Blake of Swanzey spoke in favor of the resolution.

Messrs. Atherton of Nashua, Clough of Haverhill, Sanborn of Wakefield, Fuller of Hanover, Henderson of Durham and Wadleigh of Milford and Miss Loizeaux of Plymouth and Mrs. Landers of Keene and Mrs. Greene of Concord spoke against the resolution.

Mr. Angus of Claremont moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the resolution.

Miss Loizeaux of Plymouth asked for a division.

A division being had, 180 members having voted in the affirmative, and 152 members having voted in the negative, the resolution was adopted.

Miss Loizeaux of Plymouth demanded the yeas and nays and the roll was called with the following result:

### Yeas, 182

GRAFTON COUNTY: Wadhams, Wheeler, Eggleston, Williams of Grafton, Atkins, Holden, Chamberlin of Haverhill, Sommers, Cole, Dwinell, Edson, Madden, Anderson.

COOS COUNTY: Bouchard, Fontaine, Gagnon of Berlin, Malloy, Evans of Lancaster, Baxter.

ROCKINGHAM COUNTY: Graves, Hazelton, Corson, Hepworth, Eldredge, Sanborn of Fremont, Weeks of Greenland, Underwood, Stevens, Parmenter, LaBranche of Newmarket, Sewall, Carter of North Hampton, Alessi, Payette, Foote, Yeaton, Hobbs, Leary, Laraba, Bluitte, Haigh, Peever, Durkee, Scamman, Waterhouse.

STRAFFORD COUNTY: Stackpole, Gouin, Grimes, Marcotte, Felker, Dodge, Stocklan, Flanagan, Parker, Webster, Horne, Rolfe, Jones of Rochester, LaCasse, Leach, Lagueux, Letourneau, Coffin.

BELKNAP COUNTY: Perkins, Weeks of Gilford, Simonneau, Thompson of Laconia.

CARROLL COUNTY: Hill, Lucy, MacGown, Banfield, Wiggin, Hodgdon.

MERRIMACK COUNTY: Couture, Moore, Marden, Coakley, Ferrin, Bunten, Burke, Lorden, Dudevoir, Mullaie, Kenney, Lea, Ferguson, Holmes of Salisbury, Yerxa.

HILLSBOROUGH COUNTY: Wilson, French, Black, Farwell, Ellsworth, Jones of Francestown, Adams of Greenfield, Doonan, English, Spaulding of Hudson, Reid of Litchfield, Sawyer of Manchester, Connor of Manchester, Dwyer, Martel, Sweeney, Fitzgerald, Kean, Nolan, Healy of Manchester, Ward 5, Kazakis, Malatras, O'Brien, Shea of Manchester, Casey, Cavanaugh, Ecker, Healy of Manchester, Ward 6, Sullivan of Manchester, Ward 6, Zyla, Downey, O'Connor,

Sullivan of Manchester, Ward 7, Delisle, Roy of Manchester, Cary, Gagnon of Manchester, Auger, Getz, Roche, Roukey, April, LaFlamme of Manchester, Vaillancourt, Daniel of Manchester, Gauthier, Thibodeau, Cannon, Donnelly, Wedick, Peaslee of Merrimack, Cooper, Boire, Landry, Belcourt, Brosnahan, Spalding of Nashua, Chasse, Marquis, Maynard, Dionne, Paquette, Shea of Nashua, Betters, Dupont, Lavoie, Cormier, Grandmaison, Janelle, Cote, Girouard, Bigelow, Barry.

CHESHIRE COUNTY: Thomas, Spofford, Darling, Erwin, Hall, Forbes, Tolman, Andrews, Blake, Kershaw.

SULLIVAN COUNTY: Baron, Stetson, Riley, Walker of Grantham, Wirkkala, Cummings of Newport, Farmer, Rowell, Read of Plainfield, Gardner of Springfield, Callum.

### Nays, 169

GRAFTON COUNTY: Chamberlin of Bath, Whittier, Willey, Dunbar, Grass, Fuller, Clough, Perry of Haverhill, Oakes, Adams of Lebanon, Hamilton, Gardner of Littleton, Kelley of Littleton, Orr, Dusik, Pushee, Green, Bell, Loizeaux, Barney.

COOS COUNTY: Dussault, Hinchey, Mason, Moffett, Desilets, Henderson of Berlin, Lazure, Bartlett, Brungot, Christiansen, Roy of Berlin, Currier, Gould, Hamlin of Dummer, Fraser, Kimball, Moses, Johnson of Milan, Ellingwood, Potter, Converse of Pittsburg, Phelan, Baker, Hinman, Taylor.

ROCKINGHAM COUNTY: Griffin, Heon, Fecteau, Elwell, Rathbone, Richards, Root, Merrill, Johnson of Northwood, Colcord, Dondero, Ingraham of Portsmouth, True, Evans of South Hampton.

STRAFFORD COUNTY: Swain, Redden, Smalley, Crandall, Henderson of Durham, Wormhood, Dustin, St. Pierre, Studley, Fernald, Green of Rollinsford, Cater of Somersworth, Brown of Strafford.

BELKNAP COUNTY: McAllister, Dearborn, Obert, Kelley of Gilmanton, Hart of Laconia, Tilton of Laconia, Keller, Shannon, Brown of Laconia, Ewing, Ransom, Smith of Meredith, Smith of New Hampton, Atwood, Bruno.

CARROLL COUNTY: Washburn, Downs, Thompson of Effingham, Wild, Knox, Remick, Sanborn of Wakefield, Hart of Wolfeboro, Thibodeau of Wolfeboro.

MERRIMACK COUNTY: Phelps, Hardy, Rancour, Besse, Colbath, Kennedy of Concord, Suosso, Hurd, Nash, Saltmarsh, Tilton of Concord, Greene of Concord, Roby, Blodgett, Nawn, Sawyer of Concord, Sargent, Towle, Chase, Connor of Henniker, Astles, Spiller, Carr, Stapleton, Savory, Stebbins.

HILLSBOROUGH COUNTY: Tracy, Hambleton, Reed of Goffstown, Tirrell, Boynton, Crosby, Goodwin of Hollis, Corliss, Daniels of Manchester, Kennedy of Manchester, Danforth, Geisel, Betley, Falconer, Wadleigh, Atherton, Ramsdell, Velishka, Shedd, Thompson of New Ipswich, Cummings of Peterborough, Myhaver, Osborne.

CHESIHRE COUNTY: Dort, Miller, Walker of Hinsdale, Perry of Jaffrey, Aldrich, Willard, Landers, Smith of Keene, Turner, Zimmerman, Sherwin, Lang, Killeen, Rhodes, Billings, Ingham of Winchester, Thompson of Winchester.

SULLIVAN COUNTY: Perkins, Angus, Converse of Claremont, Bissonnett, Nelson, Holmes of Langdon.

And the resolution was adopted.

### **Committee of Conference Report**

The Committee of Conference, to whom was referred Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities, having considered the same, reported the same with the following recommendation:

That the senate recede from its position of non-concurrence, and the House recede from its position of adopting its amendment and adopt the following amendment:

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That a commission of five members be appointed, as hereinafter provided, to study the laws of the state regulating or pertaining to public utilities. Said commission shall be appointed by the governor with the advice and consent of the council prior to August 1, 1949. Vacancies occurring shall be filled in the same manner. Said commission shall make a care-



agree with the majority, reported the same with the recommendation that the bill ought to pass.

LAURENCE M. PICKETT,  
WINIFRED G. WILD,  
FRED A. JONES,  
GEO. H. NASH,  
GLENN L. WHEELER,  
MABEL THOMPSON COOPER,  
RAE I. LARABA,  
JAMES B. PERRY,

*A Minority of the Committee.*

Mr. Jones of Lebanon moved to substitute the report of the minority, "ought to pass," for the report of the majority, "inexpedient to legislate."

The question being on the motion to substitute.

(Discussion ensued)

Mr. Jones of Lebanon spoke in favor of the motion.

Mr. Sullivan of Ward 6, Manchester moved that further consideration of the bill be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Mr. Sullivan of Manchester, Ward 6, spoke for the motion.  
On a *viva voce* vote the motion prevailed.

On motion of Mr. Atherton of Nashua the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Hart of Wolfeboro, for the Committee on Appropriations, to whom was referred House Bill No. 441, An act relating to the care, treatment and rehabilitation of sexual psychopaths, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 11 of said bill by striking out the same and inserting in place thereof the following:

11. *Application of Provisions.* The provisions of this chapter in so far as they relate to the complete segregation of all sexual psychopaths, to the establishment of a separate state

ful study of present laws regulating or pertaining to railroads and public utilities and of the need or advisability of further legislation relating thereto for the purpose of protecting the interests of all interested parties. Said committee shall have full power and authority to require from the several departments, agencies and officials of the state, cities and towns, and from individuals, partnerships and corporations, such information and assistance as it may deem necessary for the purposes of the commission. The members of said commission shall serve without compensation. Said commission shall report its findings and recommendations, together with any proposed legislation necessary to carry out its recommendations, to the next regular session of the legislature, during the first week of said session. The reasonable expenses of said commission shall be a charge upon the appropriation of the Public Service Commission and the governor is hereby authorized to draw his warrant for said sum.

ARTHUR J. REINHART,  
CURTIS C. CUMMINGS,

*Conferees on the Part of the Senate.*

GEO. ZOPF,  
ROBERT A. JOHNSON,  
C. MURRAY SAWYER,

*Conferees on the Part of the House.*

On a *viva voce* vote the report was adopted.

On motion of Mr. Turner of Keene the rules were suspended to allow for the presentation of a committee report which had not previously been advertised in the Journal.

Mr. Hamilton of Lisbon, for the Committee on Judiciary, to whom was referred Senate Bill No. 136, An act relating to tolls by municipal utilities, reported the same with the following resolution:

*Resolved*, That it is inexpedient to legislate.

We, the undersigned, a minority of the Committee on Judiciary, to whom was referred Senate Bill No. 136, An act relating to tolls by municipal utilities, and being unable to

psychopathic institution and to the employment of a director for such institution shall not be effective until such time as the general court may make adequate appropriations for such purposes. Until such appropriations are made, all sexual psychopaths shall be treated by the existing facilities at the state hospital and such segregation of sexual psychopaths shall be made as may be necessary under the facilities existing at said state hospital. It shall be the duty of the commission to make a thorough and complete study as to the size and specifications of a permanent facility for the housing of sexual psychopaths in this state and the results of their study shall be reported to the 1951 session of the general court.

Further amend said bill by striking out sections 16 and 18.

Further amend said bill by renumbering sections 17, 19 and 20 to read 16, 17 and 18 respectively.

The report was accepted, the amendment adopted, and the bill ordered to a third reading.

On motion of Mr. Atherton of Nashua the rules were suspended, House Bill No. 441 was put upon its third reading, by title, at the present time.

The bill was read a third time and passed and sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 217, An act providing for a deficiency appropriation for certain state departments and institutions.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act providing for a deficiency appropriation for certain state departments and institutions.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Deficiency Appropriation.* The sum of two hundred seventy-three thousand two hundred twenty-three dollars and

ten cents (\$273,223.10) is hereby appropriated to meet the deficits in the appropriations for the fiscal year ending June 30, 1949 as follows. For Glencliff Sanatorium, four thousand four hundred thirteen dollars and fifty-seven cents, (\$4,413.57); for Laconia State School, four thousand one hundred fifty six dollars and fifteen cents, (\$4,156.15); for state prison, five thousand eighty-seven dollars and sixty-five cents (\$5,087.65); for state hospital, forty-five thousand nine hundred ninety-five dollars and two cents, (\$45,995.02); for constitutional convention, nineteen thousand nine hundred eight dollars and ninety-eighty-three dollars and forty cents, (\$283.40); for state treasury (bounties), six thousand ninety dollars and fifty cents, (\$6,090.50); for employees retirement system normal contribution, ten thousand seven hundred four dollars and twenty-eight cents, (\$10,704.28); for forestry and recreation forest fire bills to towns, one hundred seventy-six thousand five hundred eighty-three dollars and fifty-seven cents, (\$176,583.57). The sum of one hundred sixty-six thousand two hundred dollars, (\$166,200) is hereby appropriated to meet deficits for the state hospital for the fiscal year ending June 30, 1949. The governor is authorized to draw his warrant for the sums hereinbefore appropriated out of any money in the treasury not otherwise appropriated.

On motion of Mr. Atherton of Nashua the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The Committee on Forestry and Recreation, to whom was referred Senate Bill No. 108, An act relative to the operation of Bear Brook State Park, having considered the same, reported the same with the recommendation that the bill ought to pass.

House Bill No. 531, An act relative to the Portsmouth-Seabrook Toll Road.

Amend section 3 of the bill by striking out the whole of said section and inserting in place thereof the following:

3. *Limited Access Exemption.* Amend section 10 of chapter 295 of the Laws of 1947 by striking out said section and inserting in place thereof the following: 10. *Definition.* Said highway shall be a limited access highway as defined in part 7, chapter 90 of the Revised Laws as amended by chap-

ter 188, Laws of 1945, between the Massachusetts State line and the northeasterly side line of Woodbury Avenue in the City of Portsmouth, and all the provisions thereof shall apply thereto except the transfer of the entrance of an existing facility adjacent to Woodbury Avenue from the northwesterly side of the Toll Road to the southeasterly side of the same.

On motion of Mr. Sanborn of Wakefield the House concurred in the adoption of the amendments sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

Mr. Dwinell of Lebanon moved that the rules be suspended and Senate Bills Nos. 84 and 108 be put upon their third readings, by title, at the present time.

On a *viva voce* vote the motion prevailed.

Senate Bills Nos. 84 and 108 were read a third time and passed and sent to the Secretary of State to be engrossed.

### Resolutions

Messrs. Sullivan of Ward 7, Manchester and Heon of Derry offered the following resolution:

*Whereas*, Governor Sherman Adams has issued a statement to the press in favor of a national minimum wage of seventy-five cents per hour, therefore be it

*Resolved*, That we congratulate our governor on his stand and express our appreciation of his consideration of this subject, and be it further

*Resolved*, That this House go on record in favor of said minimum wage and that a copy of these resolutions be transmitted to our Representatives and Senators in Congress for action.

On a *viva voce* vote the resolution was adopted.

Messrs. Spaulding of Hudson, Fletcher of Mont Vernon, and Jones of Rochester offered the following resolution:

*Whereas*, a special committee was appointed to improve the sound amplification system in the House of Representatives, and

*Whereas*, the state police have been of immeasurable assistance in the efforts of the committee, therefore be it

*Resolved*, That we express our appreciation and thanks to the state police for their very great help in aiding the committee to carry out its duties.

*Therefore Be It Further Resolved*, That the Clerk be instructed to transmit a copy of these resolutions to Supt. Ralph Caswell of the State Police.

On a *viva voce* vote the resolution was adopted.

### Special Order

Mr. Turner of Keene called for the special order.

It being, House Bill No. 237.

Mr. Turner of Keene offered the following amendment:

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Revenue from Road Tolls*. Amend section 40 of chapter 22 of the Revised Laws as amended by section 4, chapter 65, Laws of 1943, by striking out said section and inserting in place thereof the following: 40. *Disposal of Revenue*. All revenue from the motor vehicle road toll law as provided by chapter 120 of the Revised Laws, after paying the expense of collection, is to be disposed of in like manner as the revenue from the registration fees of motor vehicles, except as provided in the following section, and except that the net revenue from one cent of said road toll shall be used by the highway department for aid for the construction, reconstruction or maintenance of regularly maintained class IV and class V roads or bridges on same and shall be apportioned to the towns and cities as follows: three-fifths of the allotment herein provided shall be apportioned to the cities and towns and unincorporated places in direct proportion as the mileage of regularly maintained class V roads in each city, town, and unincorporated place bears to the total mileage of regularly maintained class V roads in the state and two-fifths in direct proportion as the population of each city, town, or unincorporated place bears to the total population of the state.

Amend the bill by inserting after section 3 the following new section:

4. *Application of Provisions*. The provisions of this act increasing the road toll shall not be construed as affecting the imposition and collection of the additional road toll of one cent

per gallon provided for in section 8 of chapter 41 of the Laws of 1929, as amended and as continued under the provisions of section 6, chapter 198 of the Laws of 1949.

Further amend said bill by renumbering section 4 to read section 5.

The question being on the amendment.

(Discussion ensued)

Mr. Turner of Keene spoke in favor of the amendment.

Mr. Atherton of Nashua spoke against the amendment.

Mr. Baron of Claremont moved that further consideration of the bill, with pending amendment, be indefinitely postponed.

The question being on the motion to indefinitely postpone.

(Discussion ensued)

Messrs. Baron of Claremont, Kennedy of Manchester, Peever of Salem and Holden of Hanover spoke against the motion.

The Chair asked that the House adopt a motion on the previous question.

Mr. Myhaver of Peterborough moved the previous question. The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion to indefinitely postpone.

On a *viva voce* vote the bill was indefinitely postponed.

Mr. Willey of Campton demanded the yeas and nays but subsequently withdrew his demand.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives.

House Bill No. 307, An act relating to the salary of the superintendent of the state hospital.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on the following entitled Senate joint resolution:

Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

### **Recess**

### **After Recess**

### **Engrossed Bill Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill:

House Bill No. 499, An act relative to forest conservation and taxation.

The report was accepted.

On motion of Mr. Atherton of Nashua the rules were suspended to allow for the presentation of two committee reports which had not previously been advertised in the Journal.

Mr. Stapleton of Pittsfield, for the Committee on Appropriations, to whom was referred House Bill No. 535, An act relating to a transfer of funds to the general funds of the state, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Tilton of Laconia, for the Committee on Appropriations, to whom was referred House Joint Resolution No. 38, Joint resolution in favor of Clarence A. DuBois and others, reported the same with the recommendation that the joint resolution ought to pass.

The report was accepted and the joint resolution ordered to a third reading.



**Report of Committee on Insurance**

HON. RICHARD F. UPTON

Speaker of House of Representatives,  
Concord, New Hampshire.

*Dear Mr. Upton:*

As requested by you, I have been looking into the question of Group Life Insurance for state employees.

I find that the Association has appointed a committee to look into this question for them. Deputy Insurance Commissioner Sheldon, at their request, has submitted several proposals from different companies; and they have worked out a plan which would seem to be desirable and the best plan for them as well as for the state.

However, they have not polled their own membership, and all plans are contingent upon 75% enrollment of all employees. This would take considerable time. Also it would entail a cost to the state of \$65,000 the first year and probably around \$45,000 in the succeeding years, the difference being a probable dividend return after the first year.

I have conferred with the Governor, also with Mr. Sheldon, and with their approval I am suggesting that an Interim Committee be appointed to work with the employees' committee to try to develop a plan to be put into effect by the 1951 session. I believe such a committee could have a program worked out, the employees could be polled, and it would be a matter of a short time to put it into effect. At Mr. Sheldon's estimate, it would be at least July, 1950 before it could be put into effect, even if it were passed now. And, in view of the attitude of the House regarding appropriations, it seems that this is perhaps not the expedient time to ask for \$100,000 appropriation.

I am handing you herewith the papers which you turned over to me in connection with this matter.

Yours sincerely,

CLINTON W. ELWELL, *Chairman,*  
*Committee on Insurance.*

The report was ordered printed in the Journal.

**Concurrent Resolution**

Mr. Atherton of Nashua offered the following concurrent resolution:

*Resolved by the House of Representatives, the Senate concurring:*

*That* during the ensuing biennium the legislative budget assistant, in collaboration with the comptroller, is directed to develop a new form of budget book and budget bill which will be more readily understandable by legislators and the general public. The Chairman of the House Committee on Appropriations and two other members of said committee to be appointed by him and the Chairman of the Senate Finance Committee and one other member of said committee to be appointed by him shall serve as an advisory commission to the legislative budget assistant and comptroller in this project. Consideration shall be given to forms of budgets in use in other states and advice sought from the Council of State Governments. The budget assistant and advisory commission shall report their findings to the Governor not later than October 1, 1950, so that the same may be utilized in the preparation of the budget book and budget bills for the legislative session of 1951.

On a *viva voce* vote the concurrent resolution was adopted, and sent to the Senate for concurrence.

**Message from the Senate**

A message from the Honorable Senate, by its Clark, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills and joint resolutions sent up from the House of Representatives:

House Bill No. 38, An act relative to the salary of the director of the children's study home.

House Bill No. 111, An act relative to control of air pollution.

House Bill No. 255, An act dividing Merrimack County into commissioner districts.

House Bill No. 487, An act relating to the Northeastern Interstate Forest Fire Compact.

House Bill No. 499 (in new draft), An act relating to forest conservation and taxation.

House Bill No. 514, An act relative to indemnity for condemned domestic animals.

House Bill No. 516, An act to supplement the appropriation for the Legislative Department.

House Bill No. 526, An act relative to the salary of the city clerk of Laconia.

House Bill No. 534, An act to amend the charter of the Rockingham Farmers Mutual Fire Insurance Company.

House Joint Resolution No. 11, Joint resolution in favor of Brendan J. Splaine.

House Joint Resolution No. 21, Joint resolution reimbursing certain towns for forest fire expenses.

House Joint Resolution No. 28, Joint resolution relative to funds for development of aeronautics facilities and relative to a certain private claim.

House Joint Resolution No. 35, Joint resolution in favor of the estate of Andrew C. Elliott.

House Joint Resolution No. 36, Joint resolution in favor of the estate of Octave J. Goulet.

House Joint Resolution No. 37, Joint resolution in favor of the estate of Perl L. Hutchins.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolutions:

*That* there shall be a Special Legislative Committee to function during the interim period between adjournment and the special session composed of seven members of the House, to be appointed by the Speaker of the House, and three members of the Senate, to be appointed by the President of the Senate, who shall examine the fiscal condition of the State and the sufficiency of the funds appropriated to carry on the essential functions of the state. This committee shall report to the special session of this Legislature such additional tax and other revenue measures and appropriations as may be needed to carry on the essential functions of the state government, including education. The legislative budget officer is directed to assist this committee in carrying out its duties.

The message further announced that the Senate had voted to non-concur with the House of Representatives in the passage of the following entitled bill and joint resolution sent up from the House of Representatives:

House Bill No. 489, An act providing for an aerial survey of the State of New Hampshire.

House Joint Resolution No. 27, Joint resolution directing the state planning and development commission to continue the study of the problems of the smaller communities.

The message further announced that the Senate had voted to adopt the report of the Committee of Conference on the following entitled bill.

House Bill No. 525, An act to legalize proceedings of certain towns, school districts and county delegations and authorize other municipal action.

The message further announced that the Senate had voted to concur with the House of Representatives in its amendments to the following joint resolutions:

Senate Joint Resolution No. 18, Joint resolution to establish an interim commission to study the present motor vehicle financial responsibility law.

The message further announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

Senate Bill No. 88, An act relating to the covering of wells.

The message further announced that the Senate had voted to non-concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives and asks for a Committee of Conference on the following entitled bill.

Senate Bill No. 78, An act relating to housing authorities.

The President appointed as members of such committee on the part of the Senate, Senators O'Malley and Daniell.

On motion of Mr. Laraba of Portsmouth the House voted to accede to the request of the Senate for a Committee of Conference.

The Speaker appointed as members of such committee, on the part of the House, Messrs. Laraba of Portsmouth, Brungot of Berlin and Sawyer of Concord.

The message also announced that the Senate had voted to adopt the following concurrent resolution in the adoption of which it asks the concurrence of the House of Representatives.

*Resolved by the Senate, the House of Representatives concurring:*

*That* the special legislative committee appointed under concurrent resolution adopted in January, 1949, to investigate state construction contracts with Standard Sonctruction Company and others, and other related matters, is hereby authorized to continue its investigations until December 31, 1949. Said committee shall report its findings, conclusions and recommendations for remedial legislation or other suitable legislative action to both branches during the present session or during any special session of the legislature prior to said December 31, 1949.

On motion of Mr. Turner of Keene the House concurred in the adoption of the concurrent resolution sent down from the Honorable Senate.

On motion of Mr. Wadleigh of Milford the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

### Afternoon

On motion of Mr. Wadleigh of Milford the rules were suspended and the third reading of a bill, by title, and joint resolution, by caption, made in order at the present time.

### Third Readings

House Bill No. 535. An act relating to a transfer of funds to the general funds of the state.

House Joint Resolution No. 38, Joint resolution in favor of Clarence A. DuBois and others.

Severally read a third time and passed and sent to the Senate for concurrence.

On motion of Mr. Marden of Chichester at 4:40 o'clock the House adjourned.

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WEDNESDAY, JULY 27, 1949

The House met according to adjournment.

Prayer was offered by the Chaplain.

Most gracious God on whom we have called for guidance and to whom we have looked for wisdom during this session of our General Court, we return to Thee our heartfelt thanks for Thy interest in all we have done or attempted to do. If we have left undone the things Thou wouldst have had us do, or done the things we should not have done, we implore Thy forgiveness. Bless our State—her industries, her schools of learning, her social and religious interests; endue with the spirit of wisdom, those to whom in Thy Name we have entrusted the authority of government, that there may be justice and peace in our Commonwealth; through Jesus Christ our Lord. Amen.

### **Engrossed Bills Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled joint resolutions and bills:

Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

House Joint Resolution No. 11, Joint resolution in favor of Brendan J. Splaine and David A. Proctor.

Senate Bill No. 108, An act relative to the operation of Bear Brook State Park.

House Bill No. 146, An act prohibiting the advocating of doctrines of communism or overthrow of government by force in public or state approved schools or state institutions, in the state.

House Bill No. 192, An act authorizing the town of Belmont to issue notes or bonds for water system.

House Bill No. 217, An act providing for a deficiency appropriation for certain state departments and institutions.

House Bill No. 307, An act relating to the salary of the superintendent of the state hospital.

House Bill No. 413, An act relating to lobsters and crabs.

House Bill No. 435, An act relating to the charter of the city of Portsmouth.

House Bill No. 491, An act establishing an official gauge for measuring the water levels of Lake Winnepesaukee.

House Bill No. 514, An act relative to indemnity for condemned domestic animals.

House Bill No. 516, An act to supplement the appropriation for the legislative department.

House Bill No. 530, An act to establish a standard mileage table for the general court.

House Bill No. 535, An act to legalize proceedings of certain towns, school districts and county delegations, to authorize other municipal action, and relative to Trustees of Brackett Academy, the charter of the New Hampshire Savings Bank and the reclassification of a road in Milton.

House Bill No. 531, An act relating to the Portsmouth-Seabrook toll road.

The report was accepted.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 84, An act extending an appropriation for the Mt. Sunapee recreational project, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3. *Takes Effect.* This act shall take effect as of June 30, 1949.

On motion of Mr. Sanborn of Wakefield the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mr. Hurd of Concord, for the Committee on Engrossed Bills, to whom was referred House Bill No. 219, (in new draft and new title), An act relative to determination of value of annuities of life estates to the inheritance tax law, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Inheritance Tax.* Amend section 6 of chapter 76 of the Revised Laws by striking out the words "actuaries' combined experience tables" and inserting in place thereof the words, United States life tables and actuarial tables, based on the latest United States census for which such tables are published.

On motion of Mr. Hurd of Concord the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

Mrs. Wild of Jackson, for the Committee on Engrossed Bills, to whom was referred House Bill No. 399, An act relating to minimum wages for certain employees, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the second line and inserting in place thereof the following: after section 24 the following new subdivision: Minimum Wages.

Further amend said section 1 by striking out the sixth line and inserting in place thereof the following: salesmen, summer camps for minors, restaurants, hotels, inns and cabins.

Further amend said bill by striking out the first four lines of section 2 and by renumbering the same and inserting in place thereof the following:

29. *Application.* The preceding sections of this subdivision shall not apply to employees whose employment is subject to the provisions of the United States Fair Labor Standards Act of 1938 as amended and regulations or orders



issued thereunder. The minimum wage established by section 25 shall be subject to modification for any occupation as provided in

Further amend said bill by renumbering section 3 to read section 2.

On motion of Mrs. Christiansen of Berlin the House concurred in the adoption of the amendments proposed by the Committee on Engrossed Bills.

The bill was then sent to the Senate for concurrence.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted that the following entitled bill, House Bill No. 511, An act relative to itinerant retailers of tobacco products, be referred to the next session of the legislature.

The message also announced that the Committee of Conference on Senate Bill No. 114, being unable to agree, the President has appointed as the new members of such committee on the part of the Senate, Senators C. Cummings and Nickerson.

Mr. Blake of Swanzey moved that the report of Committee of Conference be rejected and Conference Committee be discharged of further consideration of the bill.

On a *viva voce* vote the motion was adopted.

The Speaker appointed as new members on such committee on part of the House, Messrs. Fernald of Rochester, Tolman of Nelson and Hobbs of Portsmouth.

### Presentation

Mr. Sanborn of Wakefield on behalf of the attachees presented the following resolution to the Speaker:

*Whereas*, we, as attaches of the General Court, have, during the session about to adjourn, received many fine compliments and expressions from you of our attention to our duties and,

*Whereas*, you, in your official capacity have always been very generous in your praise of our attention and devotion to our duties as attaches, and

*Whereas*, all during said session of the General Court you have been extremely considerate of our time, needs, comfort and feelings, therefore be it

*Resolved*, That we, in our capacity as attaches, wish you to know that we have been deeply impressed with the very able manner in which you have conducted the session of the General Court of 1949.

We therefore wish to extend to you, as a matter of record, our heartfelt appreciation for the many acts of kindness extended to us by you during said session of the Court, and we earnestly wish that your service in any future undertaking may be as happy to you as the present one has been to us.

CLARENCE A. DUBOIS

CYRIL J. FRETWELL

ROBERT L. STARK

FRANK M. BURR

JAMES MARTIN

JOHN W. TODD

SHERMAN L. GREER

CARL E. WALLACE

ONEY RUSSELL

ARTHUR L. CARPENTER

FRANK N. JORDAN

LLOYD E. FOGG

ESTHER T. HURD

ALICE P. BOUTWELL

H. FURBER JEWETT

EDWARD E. BAKER

LEON R. HAYES

FLORENCE J. DANFORTH

MABEL L. RICHARDSON

JOHN H. TWOMBLY

On motion of Mr. Sanborn of Wakefield the resolution was ordered printed in the Journal.

### Resolutions

Mr. Tirrell of Goffstown on behalf of the below named committee offered the following resolution:

*Resolved*, That the thanks of the House of Representatives hereby be extended to the Chaplain Austin H. Reed for the unselfish devotion to duty and outstanding service performed by him at this session and in particular in recognition of his service without compensation.

*Further Resolved*, That a copy of this resolution be forwarded by the Clerk to our Chaplain.

NATHAN A. TIRRELL, Goffstown,

MAUDE B. RICHARDS, Exeter,

BEN O. ALDRICH, Keene,

MARJORIE M. GREENE, Concord,

MAURICE J. DOWNING, Newport,  
ROSCOE J. OAKES, Landaff,  
WALTER MALLOY, Gorham,  
EDITH BANFIELD, Moultonborough,  
NORMA STUDLEY, Rochester,  
OTTO KELLER, Laconia,

On a *viva voce* vote the resolution was adopted.

Mrs. Cooper of Nashua offered the following resolution:

*Resolved*, That the thanks of the House of Representatives be hereby extended to its Clerk, Cyril J. Fretwell; the assistant Clerk, Robert L. Stark; the Speaker's stenographer, Esther T. Hurd; House stenographers Alice V. Flanders, Margaret L. Ford, Helene H. Wester; Judiciary Committee stenographer Helen Y. Andrews; Judiciary Committee messenger Palmer C. Read; Appropriations Committee stenographer Eleanor C. Brown; Appropriations Committee messenger Eugene C. Williams; for the very able and acceptable way in which they have performed their duties.

*Further Resolved*, That the Clerk of the House transmit a copy of these resolutions to each of the above attaches.

On a *viva voce* vote the resolution was adopted.

Mrs. Cooper of Nashua offered the following resolution:

*Resolved*, That the thanks of the House of Representatives hereby be extended to the Sergeant-at-Arms Clarence A. Du-bois; Custodian of Mail and Supplies Frank N. Jordan; Door-keepers John Twombly, Sherman L. Greer, Florence J. Danforth, Mabel L. Richardson; Warden of the Coat Room Oney Russell; Assistant Warden of the Coat Room Leon R. Hayes; Speaker's Page Arthur L. Carpenter; Library Messenger Carl E. Wallace; Telephone Messenger Lloyd Fogg; Mileage Clerk Alice P. Boutwell; Pages James Martin, John W. Todd, Frank Burr, Thurber Jewett, Edward Baker and Carl D. Hayes, for the very able and acceptable manner in which they have performed their duties.

*Further Resolved*, That a copy of this resolution be transmitted by the Clerk to each of the above attaches.

On a *viva voce* vote the resolution was adopted.

Mr. Turner of Keene offered the following resolution:

*Whereas* the work of the Committee on Engrossed Bills involves much extra work after regular hours and *whereas* this Committee has kept abreast of its work at all times

*Resolved*, That the thanks of the House of Representatives be hereby extended to the Committee on Engrossed Bills on their efficient completion of their strenuous duties;

*Resolved*, That the Secretary of State and his staff and the Attorney General and his staff be also complimented on their speedy and careful handling of legislative matters during this session.

On a *viva voce* vote the resolution was adopted.

Mr. Wilson of Antrim offered the following resolution:

*Whereas*, we have learned of the death of Henry E. Hurlin, father of former Representative, William H. Hurlin from Antrim, therefore be it

*Resolved*, That we extend our heartfelt sympathy to our ex-fellow member in his bereavement, and be it further

*Resolved*, That the Clerk be instructed to transmit a copy of these resolutions to Mr. Hurlin.

On a *viva voce* vote the resolution was adopted.

Mr. Myhaver of Peterborough offered the following resolution:

*Whereas*, Mrs. Margaret Caswell, wife of Colonel Ralph W. Caswell, Superintendent of State Police, is confined to Wentworth Hospital because of a broken hip, therefore be it

*Resolved*, That we, the members of the House of Representatives, hereby extend our sympathy to Mrs. Caswell in her misfortune and our very best wishes for a speedy recovery to health, and be it further

*Resolved*, That the Clerk of the House transmit to Mrs. Caswell a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

Mr. Laraba of Portsmouth offered the following resolution:

*Resolved*, That the thanks of the House of Representatives be hereby extended to the committee of the Mock Session which

under the chairmanship of the member from Hudson, Mr. Spaulding, so capably entertained us last evening.

On a *viva voce* vote the resolution was adopted.

Mr. Henderson of Berlin offered the following resolution:

*Whereas*, Nathan A. Tirrell, Representative from Goffstown, Chairman of the Committee on Mileage, and the members of the Committee on Mileage, have had a very arduous duty to perform this session which involved much thought and careful preparation of work, therefore be it

*Resolved*, That we extend our appreciation and thanks to Chairman Tirrell and his committee and staff for their efforts in our behalf and their accomplishments in carrying out their duties.

On a *viva voce* vote the resolution was adopted.

Mr. Tilton of Laconia offered the following resolution:

*Resolved*, That the thanks of the House of Representatives be hereby extended to the Mayor and City Government, the Police Commission and chief Police of the City of Concord, for the many courtesies extended by them to the members of the House during this session.

*Further Resolved*, That the Clerk transmit a copy of this resolution to the mayor.

On a *viva voce* vote the resolution was adopted.

Mr. Underwood of Hampton offered the following resolution:

*Resolved*, That the Committee on Municipal and County Government be authorized to submit its report on county jails, as directed in House resolution of January 26, 1949, to the next regular session or to a special session if called sooner.

The question being on the resolution.

(Discussion ensued)

Mr. Underwood of Hampton spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

### **Committee of Conference Report**

The Committee of Conference, to whom was referred House Bill No. 72, An act relating to a state bird, having con-

sidered the same hereby recommend that the Senate recede from its adoption of its amendment and that the House recede from its position of non-concurrence in the adoption of said Senate amendment and further recommend that the Senate and House adopt the following amendment:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *State Emblems.* Amend chapter 13 of the Revised Laws by adding after section 6 as inserted by chapter 38 of the Laws of 1949, which said section is hereby renumbered to read section 6-a, the following new section: 7. *State Bird.* The chickadee (*parus articipillus*) is the wild bird of New Hampshire, and the New Hampshire — is the domestic bird of New Hampshire.

2. *Takes Effect.* This act shall take effect upon its passage.

DORIS M. SPOLLETT,  
NORMAN A. McMEEKIN,

*Conferees on the Part of the Senate.*

C. MURRAY SAWYER,  
MABEL THOMPSON COOPER,  
ANSEL N. SANBORN,

*Conferees on the Part of the House.*

Mr Myhaver of Peterborough moved that the report be rejected and the committee be discharged.

The question being on the motion of Mr. Myhaver of Peterborough.

(Discussion ensued)

Messrs. Sawyer of Concord, Holden of Hanover, Sanborn of Wakefield, Geisel of Manchester, Boynton of Hillsborough and Brown of Laconia spoke against the motion.

Mr. Eldredge of Exeter demanded the yeas and nays, but subsequently withdrew his demand.

Mr. Johnson of Northwood moved the previous question. The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the motion of Mr. Myhaver.

Mr. Eldredge of Exeter asked for a division.

A division being had, 161 members having voted in the affirmative and 111 members having voted in the negative, the motion of Mr. Myhaver was adopted.

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate concurred with the House of Representatives in the passage of the following entitled bills, with amendments, in the passage of which amendments the Senate asked the concurrence of the House of Representatives:

House Bill No. 535, An act relating to a transfer of funds to the general funds of the state.

Amend section 2 of the bill by striking out the whole of said section and inserting in place thereof the following new section:

2. *Clarification.* Amend section 44 of chapter 27 of the Revised Laws by striking out said section and inserting in place thereof the following: 44. *Emergency Fund.* There shall be an emergency fund consisting of such sums as may be appropriated for that purpose by the General Court, which may be expended by the Governor, with the consent of the Council, to aid any state department in any emergency which may arise, to supplement any appropriation made by the General Court which shall prove inadequate to carry on essential functions of government and to protect the interests of the State.

3. *Takes Effect.* This act shall take effect upon its passage.

Amend the title of the bill by adding at the end thereof the words, and Clarifying the Fund relating to the Emergency Fund; so that said title as amended shall read: An Act relating to a transfer of Funds to the General Funds of the State, and clarifying the Law relating to the Emergency Fund.

On motion of Mr. Sanborn of Wakefield the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate concurred with the House of Representatives in the passage of the following joint resolution, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives:

House Joint Resolution No. 38, Joint resolution in favor of Clarence A. DuBois and others.

Amend the joint resolution by inserting after the appropriation for Esther T. Hurd the following: that Mary B. Parsons, legislative stenographer, be allowed the sum of \$500.00.

On motion of Mr. Sanborn of Wakefield the House concurred in the adoption of the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 102, An act relative to extension of a special appropriation for the fish and game department.

House Bill No. 408, An act relative to making appropriation for and on behalf of the New Hampshire Wing, civil air patrol.

House Bill No. 441, An act relating to the care, treatment and rehabilitation of sexual psychopaths.

House Bill No. 451, An act relative to airways toll and the aeronautical fund.

House Bill No. 480, An act providing for the study, treatment and care of inebriates.

House Bill No. 532, An act making appropriations for capital improvements and long term repairs for the state of New Hampshire.

The message also announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolution:

*Whereas*, It appears that all necessary legislative work may be accomplished by Wednesday, July 27, next, therefore be it



*Resolved, By the House of Representatives, the Senate concurring:*

*That* the present session of the legislature be brought to final adjournment on Wednesday, July 27, next, at five o'clock in the afternoon.

*Be It Further Resolved,* That on that date all reports, bills and joint resolutions, with the exception of such as have been referred to the next legislature, be indefinitely postponed.

### Correction in Journal

The Chair noted the following corrections for the Committee on Judiciary:

*That* the Journal of July 26 be corrected so that roll call totals on House Bill No. 29, An act establishing the New Hampshire Teachers' Retirement System, on the question of postponement to the next regular or special legislative session be corrected to read "Yeas, 182; Nays, 169."

*That* the Journal of July 26 be corrected by inserting after the action on House Bill No. 29 and before the Committee of Conference report on Senate Joint Resolution No. 2, the following:

Mr. Dort of Chesterfield, for the Committee on Forestry and Recreation, to whom was referred Senate Bill No. 108, An act relative to the operation of Bear Brook Park, reported the same with the recommendation that the bill ought to pass.

The report was accepted and the bill ordered to a third reading.

Mr. Hart of Wolfeboro offered the following resolution:

*Resolved,* That a copy of today's Journal be mailed to all members at their residences.

On a *viva voce* vote the resolution was adopted.

Messrs. Betley of Manchester and Jones of Lebanon moved that the House be in recess until 2:00 o'clock.

On a *viva voce* vote the motion prevailed and the House was in recess until 2:00 o'clock.

### After Recess

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

Senate Bill No. 84, An act extending an appropriation for the Mt. Sunapee recreational project.

House Bill No. 219, An act relative to determination of value of annuities on life estates to the inheritance tax law.

House Bill No. 399, An act relating to minimum wages for certain employees.

(Mr. Laraba of Portsmouth in Chair)

### Address of Speaker

On motion of Mr. Sanborn of Wakefield the address of the Speaker was ordered printed in the Journal.

We now know that there is to be a special session in the fall; and as we adjourn, it seems appropriate to review the issues which still lie before us. I will call them our "unfinished business."

1. *Reorganization of State Government Departments.* Over the past year and one-half, the numerous stories in the press concerning shortcomings in certain state departments have greatly lessened public confidence in the state government. We might as well be frank about it. A member from a certain town told me this weekend that while his constituents were cognizant of the need for new revenue, they would not favor it at this time until there had been a thorough overhauling of state government. This is a typical viewpoint. We owe it to the people of this state to do a serious and thorough-going job of reorganization when we re-convene. By doing so, we can go far to restore public confidence in state government. I mean no reflection on and in fact have only praise for our chief executive, as I am convinced that he is doing an able and sincere job against tremendous odds.

2. *Rebuilding a State Education Program on a Sound Foundation.* I am convinced that the people of this state will never permanently accept what we have done to the state edu-

cational program. It must be regarded as only a temporary expedient, in view of the lack of funds. We must build again a sound state program, based upon the principle of equalization of educational opportunity and aid to those who need it.

3. *A Decent System of Teachers' Retirement.* Private industry has endorsed retirement systems for many years and more so recently. What group of public employees are more deserving than the teachers of our public schools? We must exact this program in order to have a chance to attract the able teachers to this state. Other states are far ahead of us.

4. *Pay Reclassification for State Employees.* It would be exceedingly unjust to "tar" all employees with the sins of the few. It is no answer to the present situation to refuse to give adequate pay to the rank and file. A prerequisite to a good state service is a decently paid body of state employees, and I am referring mainly to rank and file workers and technically skilled people, not to executives and department chiefs. After reorganization, we ought to make every effort to activate the pay reclassification schedule, drawn up for the state at the request of the governor by some of the best personnel experts from New Hampshire industry.

5. *Adequate Support for the State Institutions.* We cannot and must not neglect the state hospital, the prison, the industrial school, the sanatorium, the school for the feeble-minded and the state university. All suffered substantial reductions in appropriations. We ought to be able to be proud of our state institutions. This is not socialism or welfare statism, these are basic functions of government which every decent and humanitarian body politic must support adequately if it is to justify its existence.

Strange as it may seem, every one of these five points finds endorsement in the platforms of both political parties. None of these points calls for the creation of a single new department or agency, rather there will be an overall reduction through reorganization. Where we will get the money to do these things is the problem. You have wisely created an interim commission to function during the next four months to recommend the answers to this central issue. I invite thoughtful support of this program on a bipartisan basis from all those who truly love our state and wish to see it continue as a

progressive commonwealth in these trying times. Let us hope that, come cooler weather, cooler counsels will prevail.

Mr. Turner of Keene, majority floor leader of the House, addressed the House.

Mr. Barry of Wilton, minority floor leader of the House, addressed the House.

(Speaker in Chair)

### Resolutions

Mr. Stocklan of Dover offered the following resolution:

*Whereas*, Norma M. Studley, Representative from Rochester, clerk of Strafford County Delegation, has been most helpful to the Delegation in her duties as clerk and

*Whereas*, Mrs. Studley has carried out these duties in a very friendly and courteous manner and has given much of her time to aid the Delegation, therefore be it

*Resolved*, That we, the members of the Strafford County Delegation, hereby express our thanks to her for her efforts in our behalf, and express our appreciation in a material way by this gift, and be it further

*Resolved*, That a copy of these resolutions be transmitted to Mrs. Studley.

On a *viva voce* vote the resolution was adopted.

Mr. Stocklan of Dover offered the following resolution:

*Whereas*, James F. Malley, Representative from Somersworth, chairman of the Strafford County Delegation, has been very helpful to the Delegation in his position as chairman, and

*Whereas*, Chairman Malley has carried out his duties in a cooperative and friendly manner and given much of his time to aid the Delegation, therefore be it

*Resolved*, That a copy of these resolutions be transmitted Delegation, hereby express our thanks to him for his efforts in our behalf, and express our appreciation in a material way by this gift, and be it further

*Resolved*, That a copy of these resolutions be transmitted to Mr. Malley.

On a *viva voce* vote the resolution was adopted.

The House was in recess.

**After Recess**

### Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to adopt the amendment offered by the Committee on Engrossed Bills to the following House bill, in the adoption of which amendment the Senate asked the concurrence of the House of Representatives:

House Bill No. 480, An act providing for the study, treatment and care of inebriates.

Amend paragraph II of section 12 of the new chapter 254 as inserted by section 1 of the bill by striking out the sixth, seventh and eighth lines and inserting in place thereof the following: an inebriate. Except when the commission is the initiating party, the commission shall be notified seasonably of any pending hearing provided for in this paragraph by the court.

Further amend said paragraph by striking out the word "section" in the next to the last line and inserting in place thereof the word, paragraph,

Amend paragraph IV of said section 12 by striking out the last two lines and inserting in place thereof the following: care. In the event that the patient has been committed to the commission by a court, the order for such transference shall not exceed the time specified in the court order

Amend paragraph V of said section 12 by striking out the first line and inserting in place thereof the following:

V. At the expiration of the term of custody and care of a patient who has been committed by a court to the commission, the

Amend section 2 of said bill by striking out the words "Revised Laws" in the last line and inserting in place thereof the words and figures, Laws of 1947 as herein amended.

Amend section 3 of said bill by striking out the word and figures "July 1949" and inserting in place thereof the words, upon its passage,

On motion of Mr. Holden of Hanover the House concurred in the adoption of the amendment proposed by the Committee on Engrossed Bills.

The bill was then sent to the Secretary of State to be engrossed.

### Resolutions

Mr. Betley of Manchester offered the following resolution:

*Whereas*, today, July 27, is the 41st birthday of Lorenzo P. Gauthier, Representative from Manchester, and pianist of the Legislature, who has so generously entertained us with his music, therefore be it

*Resolved*, That we, the members of the House of Representatives, hereby extend to Mr. Gauthier our heartiest congratulations on his birthday and our best wishes for a happy birthday today and many years to come, and be it further

*Resolved*, That the Clerk transmit to Mr. Gauthier a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

Mr. Sherwin of Rindge offered the following resolution:

*Whereas*, tomorrow, July 28, is the twenty-fifth wedding anniversary of our esteemed Chief Executive, Sherman Adams, and his lovely first-lady of New Hampshire, Rachel Adams, and

*Whereas*, the House of Representatives is indebted both to Governor Adams and Mrs. Adams for the graciousness, guidance and friendly spirit that has prevailed in this session of the Legislature, and

*Whereas*, we wish to fittingly mark the occasion, now therefore

*Be It Resolved*, That we extend to Governor and Mrs. Adams our best wishes on this memorable occasion and that the Clerk be instructed to send a copy of this resolution to them.

On a *viva voce* vote the resolution was adopted.

### Recess

#### After Recess

#### Appointments to Interim Commissions

The Chair announced the following appointments to interim commissions:

To the Commission to Investigate Subversive Activities (nominations forwarded to his Excellency the Governor): Messrs. Hart of Wolfeboro, English of Hancock, Sawyer of Concord.

To the Commission to Study Tax Exemptions: Messrs. Turner of Keene, Johnson of Northwood, Jones of Rochester. The first named House member is chairman and is authorized to call organization meeting of House and Senate members.

To the Commission to Study Air Pollution: Messrs. Sawyer of Manchester, Cooper of Nashua, Angus of Claremont. The first named House member is chairman and is authorized to call organization meeting of all members.

To the Commission to Review the Adequacy of Appropriations and Revenues: Messrs. Dwinell of Lebanon, Ferguson of Pittsfield, Sanborn of Wakefield, Laraba of Portsmouth, Pickett of Keene, Mason of Berlin, Oakes of Landaff. The first named House member is chairman and is authorized to call organization meeting of all members.

The chairman of the Appropriations Committee, in addition to himself, designated Messrs. Boynton of Hillsborough and Sawyer of Woodstock to serve on the advisory commission to revise the form of budget book and budget bill.

### **Message from the Senate**

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to recall from the Governor, for further consideration, the following entitled bill, House Bill No. 413, An act relating to lobsters and crabs.

The message also stated that the Senate had passed the following concurrent resolution, in the passage of which it asked the concurrence of the House of Representatives:

*Resolved, by the Senate and House of Representatives concurring:*

*That* House Bill No. 413, An act relating to lobsters and crabs, be referred to a Joint Committee consisting of three members of the House of Representatives to be appointed by the Speaker of the House and two members of the Senate to be appointed by the President of the Senate. Said committee shall submit its report on all the necessary revisions in said bill to the next regular session of the Legislature or to a special session if sooner called.

Pursuant to the above resolution the President appointed as members of such committee, on the part of the Senate, Senators Ainsworth and Wiggin.

On motion of Mr. Underwood of Hampton the House concurred in the concurrent resolution.

The Speaker appointed as members on such committee, on the part of the House, Messrs. Underwood of Hampton, Carter of No. Hampton and Elwell of Exeter.

### **Engrossed Bills Report**

Mr. Hurd of Concord, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills and joint resolution:

House Bill No. 102, An act relative to extension of a special appropriation for the fish and game department.

House Bill No. 408, An act relative to making appropriations for and on behalf of the New Hampshire Wing, civil air patrol.

Senate Bill No. 84, An act extending an appropriation for the Mt. Sunapee recreational project.

House Bill No. 219, An act relative to determination of value of annuities or life estates to the inheritance tax law.

House Bill No. 441, An act relating to the care, treatment and rehabilitation of sexual psychopaths.

House Bill No. 451, An act relative to commercial landing areas and fees for engineering and other services by the aeronautics commission.

House Bill No. 399, An act relating to minimum wages for certain employees.

House Bill No. 535, An act relating to a transfer of funds to the general funds of the state, and clarifying the law relating to the emergency fund.

House Joint Resolution No. 38, Joint resolution in favor of Clarence A. DuBois and others.

House Bill No. 480, An act providing for the study, treatment and care of inebriates.

House Bill No. 532, An act making appropriations for capital improvements and long term repairs for the State of New Hampshire.

The report was accepted.



### Resolutions

Mr. Ingham of Winchester offered the following resolution:

*Whereas*, today, July 27th, is the 49th birthday of William P. Baron, Representative from Claremont, Ward 3, and member of the Public Works Committee, therefore be it

*Resolved*, That we, the members of the House of Representatives, hereby extend to Mr. Baron our heartiest congratulations on his birthday and our best wishes for a happy birthday today and many years to come, and be it further

*Resolved*, That the Clerk transmit to Mr. Baron a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

Mrs. Fontaine of Berlin offered the following resolution:

*Whereas*, we have in our midst two women, Representatives from Berlin, Hilda C. F. Brungot, dean of Republican women of the House, and Elisabeth H. Mason, dean of Democratic women of the House, each of whom has been a member of the House for nine sessions and each of whom has been a delegate to three Constitutional Conventions, and

*Whereas*, both of these women have done outstanding work as Representatives and Delegates, both in committees and in the sessions of the House, and have very faithfully attended to their duties in a friendly helpful manner, and, in addition, Mrs. Mason has served very capably as President of the New Hampshire branch of the Order of Woman Legislators known as the "Owls," therefore be it

*Resolved*, That we, the members of the House of Representatives of the New Hampshire Legislature, hereby pay tribute to Mrs. Brungot and Mrs. Mason for their great service to their city and state, that we feel grateful for having representatives of such ability and willingness to cooperate in the work of the House, and be it

*Resolved*, That the Clerk transmit a copy of these resolutions to Mrs. Brungot and Mrs. Mason.

On a *viva voce* vote the resolution was adopted.

**Concurrent Resolution**

Mr. Brown of Laconia offered the following concurrent resolution:

*Resolved, by the House of Representatives, the Senate concurring:*

*That* a committee of ten be appointed to join with such committee as the Senate may designate to wait upon his Excellency, the Governor, and inform him that the Legislature has completed the business of the session, and is ready to be adjourned and to receive any communication which he may be pleased to make.

*Further Resolved*, That the hour of final adjournment be advanced to 6:25 P. M. this date.

On a *viva voce* vote the concurrent resolution was adopted, and sent to the Senate.

The Speaker appointed as members on such committee on the part of the House, Brown of Laconia, Towle of Epsom, Felker of Rochester, Billings of Westmoreland, Forbes of Marlow, Read of Plainfield, Willey of Campton, Sullivan of Ward 7, Manchester, Shea of Nashua and St. Pierre of Rochester.

**Indefinitely Postponed**

In accordance with the resolution that all bills and joint resolutions pending in either branch on Wednesday, July 27, at five o'clock, be indefinitely postponed, the following entitled bills and joint resolutions were indefinitely postponed.

House Bill No. 25, An act relative to qualifications for old age assistance.

House Bill No. 68, An act relative to unemployment compensation disqualification for benefits.

House Bill No. 95, An act relative to the water resources board.

House Bill No. 103, An act relating to the taking of wild deer.

House Bill No. 186, An act providing for an income tax.

House Bill No. 190, An act providing for a gross income tax.

House Bill No. 194, An act relative to the distribution of revenue from the Mt. Sunapee project.

House Bill No. 196, An act relating to county agents.

House Bill No. 222, An act providing for longevity pay for members of the staff of teachers' colleges.

House Bill No. 287, An act relative to transportation of pupils to approved private schools.

House Bill No. 321, An act relating to a merit system in the city of Manchester.

House Bill No. 359, An act ratifying a proposed compact with certain states specified providing for abatement of existing pollution and control of future pollution of interstate waters.

House Bill No. 373, An act relating to poll taxes.

House Bill No. 381, An act relative to the salary of the special justices of the municipal court of Dover.

House Bill No. 387, An act to establish a supervising, co-ordinating and inspection service for all state construction other than state highways.

House Bill No. 392, An act to amend the charter of the city of Dover.

House Bill No. 409, An act reducing fee for combination resident hunting and fishing licenses.

House Bill No. 415, An act relative to taking wild deer in certain counties of the state.

House Bill No. 448, An act relative to compensation of election officials in the city of Portsmouth.

House Bill No. 475, An act relating to the salaries of the State Librarian and the Assistant State Librarian.

House Bill No. 492, An act relating to the salaries of the clerks of the House of Representatives and Senate and their Assistant Clerks.

House Bill No. 497, An act establishing a New England development authority.

House Bill No. 513, An act relating to the tax on tobacco.

House Joint Resolution No. 5, Joint resolution providing for the erection of a retaining wall along the Cocheco River in Rochester.

House Joint Resolution No. 17, Joint resolution memorializing Congress relative to the St. Lawrence Water Ways.

Senate Bill No. 89, An act relating to residential requirements for primary candidates.

Senate Bill No. 126, An act relating to grading, packing, shipping and sale of apples.

On motion of Mrs. Taylor of Whitefield the House adjourned from the morning session.

The House was immediately called in order in afternoon session.

### Afternoon

Mr. Brown of Laconia, for the committee appointed to wait upon His Excellency, the Governor, informed him that they had attended to their duties.

The report was accepted, and His Excellency, Sherman Adams, then came in and delivered the following message:

### Governor's Message

While the duty I am about to perform is not the most unpleasant entrusted to me, it is a time when we must take leave of each other and, as we do, should soberly appraise the accomplishments of our association together.

You have to your credit many significant accomplishments and although the time consumed in your deliberations has been substantial, the results you have achieved are not inconsiderable.

Those accomplishments lie in many fields, but most noteworthy is your willingness to devote your energy to a reappraisal of the construction and degree of efficiency of this government and the measures that must be taken to make it a modern, effective, efficient organization.

The constructive action that you have taken in several lesser fields does you credit. You have had the courage and the wisdom to turn down a number of ostensibly attractive but thoroughly unsound and occasionally proposterous propositions. You leave a balanced budget. This balance has been achieved however at the expense of some considerable depreciation in the quality and quantity of needed state services. Let me say that every resource at my command will be used to pro-

vide that this government live within the funds that you have appropriated. However, you will and should be seasonably appraised of the instance where the responsibilities of our state government in a modern world fail to fulfil the demands dictated by the public interest.

The authorization which you have provided for a thorough study of the administrative organization of your state government is a tribute to your foresightedness. This study is already well-advanced and the conclusions of your Commission and my recommendations will be laid before you at a special session in the fall.

Your support of a thorough legislative reorganization resulting in the reduction of committees, realigning of duties and the adoption of a mileage schedule on a constitutional basis, was one of your early achievements. The reorganization of the Highway Department, not yet complete but in process, and the adoption of procedures relating to public purchasing were constructive proposals which you wisely adopted.

In the field of natural resources, you have adopted a severance tax law which embodies principles promoting conservation that you will sometime discover to have been a milestone in the progress of conservation in your state. The support you have accorded to the continuation and development of the controls of pollution in our streams and lakes is the result of your forward thinking.

You have appreciated the importance of the work of the Governor's Highway Safety Conference in your approval of all the measures it recommended. You have adopted a sensible preferential primary law. You have legalized the sale of colored oleomargarine. Your ratification of the northeast forest fire compact and the passage of the civil defense act to be used in cases of emergency are further evidences of a well-developed sense of public responsibility.

In the field of agriculture, you have continued the Bangs Disease control program with some wise modifications. Your licensing of child placing and child caring agencies results in needed protection for children needing foster home care.

In the field of labor, the repeal of the Willey Bill and the increases you provided in unemployment compensation and workmen's compensation benefits were steps forward.

Your refusal to legalize dog racing and to permit a state lottery was an exercise of good judgment which is especially significant at a time when new revenue was so urgently needed. Your rejection of unsound attempts to modify the present liquor law system reflects the appreciation which you have of the efficiency and public advantages of the present system of control. Finally, you have, in the light of acute need for economy refused to approve major new governmental services together with the added expenditures which they of necessity involve.

It will become apparent to the members of the General Court and to the citizens of the state as a whole during the next few months that the funds which you have provided are in some measure insufficient to support adequately those services which the people of New Hampshire have come to feel to be responsibilities which modern government ought to accept.

On returning to your homes, I hope you will continue to consider the financial condition of your state, as it bears particularly upon your own community and upon your own constituents. I hope you will remember that our dependency for revenue continues to bear heavily upon taxes on human habits; racing, liquor, beer, and tobacco, sources which I have pointed out will prove unstable in a fluctuating economy.

Far from curing this situation, we have been required to base our calculations to a greater extent on some of the foregoing sources.

Let these matters be considered unfinished business; let them not diminish the pride which is rightfully yours for the accomplishments which you have made and they are not inconsiderable. I know that you will want to consider the future of the process of education in New Hampshire, an adequate retirement system for teachers, the reclassification which needs to be made in the field of state employment and adequate support for our state institutions and our state university.

I have been informed by the joint committee of the Senate and House of Representatives that you have now completed the business of the session. Therefore, by the authority vested in me as Governor, I do hereby declare the General Court of New Hampshire adjourned to the last Wednesday in

December in the year of our Lord One Thousand Nine Hundred Fifty.

Benediction was offered by the Chaplain.

By virtue of the proclamation of His Excellency, the Governor, the Chair now declares the House of Representatives adjourned at 7:10 o'clock until the last Wednesday of December, 1950.

CYRIL J. FRETWELL, *Clerk*.

A true copy—Attest:

CYRIL J. FRETWELL, *Clerk*

**Mileage Roll**

Mr. Tirrell of Goffstown, for the Committee on Mileage, presented the following report:

**Rockingham County**

<b>Town</b>	<b>Miles</b>
Auburn	
Margaret A. Griffin .....	24
Brentwood	
Margery W. Graves .....	50
Candia	
Karl J. Persson .....	25
Chester	
Robert C. Hazelton .....	32
Deerfield	
Leon M. Fitch .....	22
Derry	
Harry E. Clark .....	31.767
Harold W. Corson .....	31.767
George J. Heon .....	31.767
Oliver H. Hepworth .....	31.767
Epping	
Thomas W. Fecteau .....	36
Exeter	
Emory P. Eldredge .....	44
Clinton W. Elwell .....	43.13
James C. Rathbone .....	44
Maude B. Richards .....	43.13
Fremont	
Moses H. Sanborn .....	37
Greenland	
Thornton N. Weeks, Sr. ....	52
Hampstead	
Thomas Henry Root .....	41



<b>Town</b>	<b>Miles</b>
Hampton	
Ernest R. Underwood .....	50
Dean B. Merrill .....	50
Kingston	
J. Edward Stevens .....	41
Londonderry	
Draper W. Parmenter .....	31.204
Newmarket	
Arthur A. Labranche .....	39
F. Albert Sewall .....	39
Newton	
William K. Davis .....	45.63
North Hampton	
George G. Carter .....	50
Northwood	
Robert A. Johnson .....	18
Plaistow	
Arthur T. Colcord .....	45.67
Portsmouth	
Sam Alessi .....	47
Mary C. Dondero .....	47
Lise LaBelle Payette .....	47.27
Charles T. Durell .....	47
Harry H. Foote .....	47
John H. Yeaton .....	45.271
Carlos O. Hobbs .....	47
John J. Leary .....	47
Rae S. Laraba .....	47
Edward J. Ingraham .....	47
Raymond	
Thomas F. Bluitte .....	30.159
Rye	
Shirley S. Philbrick .....	53.63
Salem	
Walter F. Haigh .....	40.678

Town	Miles
Leonard B. Peever .....	45
Sandown	
Ralph S. True .....	35
Seabrook	
William H. Durkee .....	52
South Hampton	
Willis J. Evans .....	49.77
Stratham	
W. Douglas Scamman .....	46.75
Windham	
Thomas Waterhouse, Jr. ....	36

#### Strafford County

Barrington	
Roy V. Swain .....	34
Dover	
Maurice P. Redden .....	42
W. Raymond Stackpole .....	42
William Gouin .....	41
Frank J. Grimes .....	41
Joseph Marcotte, Jr. ....	41
Levi F. Felker .....	38.6
Frederick C. Smalley .....	40
Harley A. Crandall .....	40
Francis R. Dodge .....	40
Louis Stocklan .....	42
Emmett J. Flanagan .....	41
Durham	
Oren V. Henderson .....	35
Farmington	
Ned L. Parker .....	42.37
Frank E. Webster .....	42.37
Madbury	
Leeman B. Wormhood, Sr. ....	35
Milton	
John E. Horne .....	51.28

<b>Town</b>	<b>Miles</b>
Rochester	
Ernest L. Rolfe .....	38
Margaret E. Dustin .....	39
Maurice A. Jones .....	39
Rudolph G. Cartier .....	38
Angeline M. Gilbert St. Pierre .....	35.32
Alphonse Lacasse .....	39
Norma M. Studley .....	35.32
Llewellyn F. Fernald .....	38
Charles F. Leach .....	39
Rollinsford	
Fred L. Green, Jr. ....	43
Somersworth	
Placide J. Lagueux .....	45
Edward G. Letourneau .....	45
Fred J. Coffin .....	45
Leo H. Cater .....	45
James F. Malley .....	45
Strafford	
Albert H. Brown .....	28.60

### Belknap County

Alton	
Frederick M. Perkins .....	31
Barnstead	
Arthur H. McAllister .....	20.77
Belmont	
Clarence B. Dearborn .....	21.3
Center Harbor	
Edward J. Obert, Sr. ....	43
Gilford	
Lena D. Weeks .....	32.47
Gilmanton	
Charles G. Kelley .....	18

<b>Town</b>	<b>Miles</b>
<b>Laconia</b>	
Myron B. Hart .....	35
Fortunat A. Normandin .....	29
Alfred W. Simoneau .....	29
Elmer S. Tilton .....	29
Otto G. Keller .....	29
Frank B. Shannon .....	29
Ross L. Piper .....	28
Theodore M. Thompson .....	28
John F. Brown .....	31
John M. Ewing .....	31
<b>Meredith</b>	
Horace U. Ransom .....	37.834
Joseph F. Smith .....	38
<b>New Hampton</b>	
Raymond C. Smith .....	37
<b>Sanbornton</b>	
Marion H. Atwood .....	24
<b>Tilton</b>	
Michael F. Bruno .....	20
<b>Carroll County</b>	
<b>Bartlett</b>	
Fred H. Washburn .....	95
<b>Conway</b>	
Elmer H. Downs .....	78
Leslie C. Hill .....	76.463
Irene M. Lucy .....	79.463
<b>Effingham</b>	
John G. Thompson .....	66.610
<b>Freedom</b>	
Ralph S. MacGown .....	70
<b>Jackson</b>	
Winifred G. Wild .....	89.363
<b>Moultonborough</b>	
Edith D. Banfield .....	50

<b>Town</b>	<b>Miles</b>
Ossipee	
Charles G. Wiggin .....	59.794
Sandwich	
Perley C. Knox .....	54
Tamworth	
Earle H. Remick .....	61
Tuftonboro	
Forrest W. Hodgdon .....	58.552
Wakefield	
Ansel N. Sanborn .....	54
Wolfeboro	
Harold H. Hart .....	45.372
George F. Thibodeau .....	45.372

**Merrimack County**

Allenstown	
Alphonse Couture .....	13
Andover	
Victor E. Phelps .....	23.8
Boscawen	
Albert S. Hardy .....	13
Bow	
Andrew M. Nicoll .....	6.5
Bradford	
Reuben S. Moore .....	28
Canterbury	
Charles S. Rancour .....	14
Chichester	
Shirley A. Marden .....	12.5
Concord	
Charles P. Coakley .....	8
James P. Ferrin .....	8
Harlan F. Besse, Sr. ....	2.5
William J. Flynn .....	3

Clayton F. Colbath .....	1
Harry H. Kennedy .....	1
Nicholas A. Suosso .....	1
George L. Hurd .....	1
George H. Nash .....	1
George H. Corbett .....	1
Donald W. Saltmarsh .....	1
John C. Tilton .....	1
John E. Bunten .....	4
Marjorie M. Greene .....	2
Charles G. Roby .....	1
Richard F. Upton .....	2.5
John G. Blodgett .....	1
Emmett A. Nawn .....	1
C. Murray Sawyer .....	2.5
Danbury	
Roy K. Sargent .....	34.8
Epsom	
Ralph E. Towle .....	14.6
Franklin	
George W. Chase .....	20
James M. Burke .....	22
Alcide LaBranche .....	22
Andrew Lorden .....	22
Louis H. Douphinette .....	22
Henniker	
Lester E. Connor .....	20
Hooksett	
Edward M. Dudevoir .....	12
Charles E. Mullaie .....	10
Hopkinton	
Stewart E. Astles .....	8
Loudon	
Forrest B. Kenney .....	16
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Stanley A. Spiller .....	45

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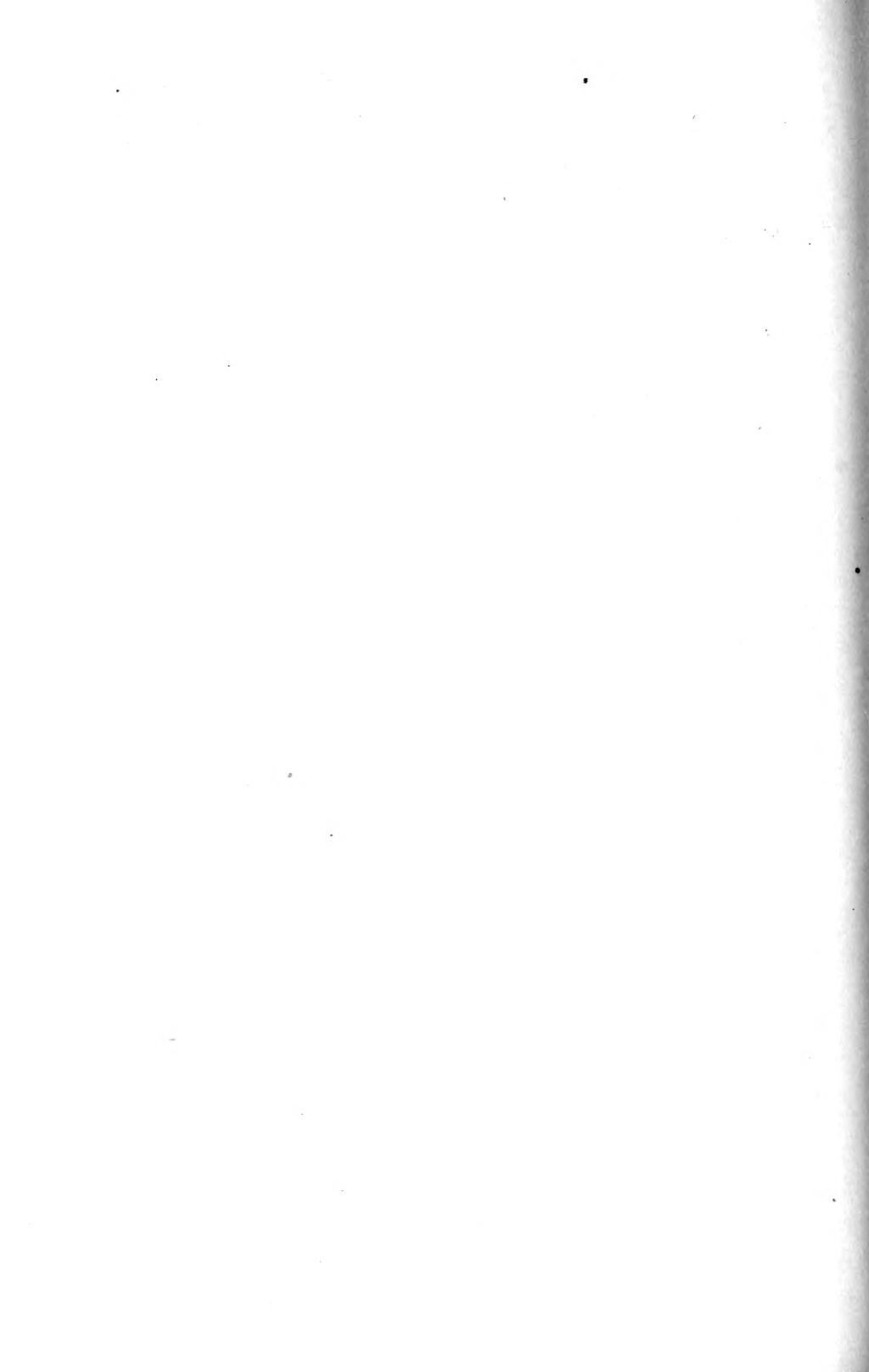
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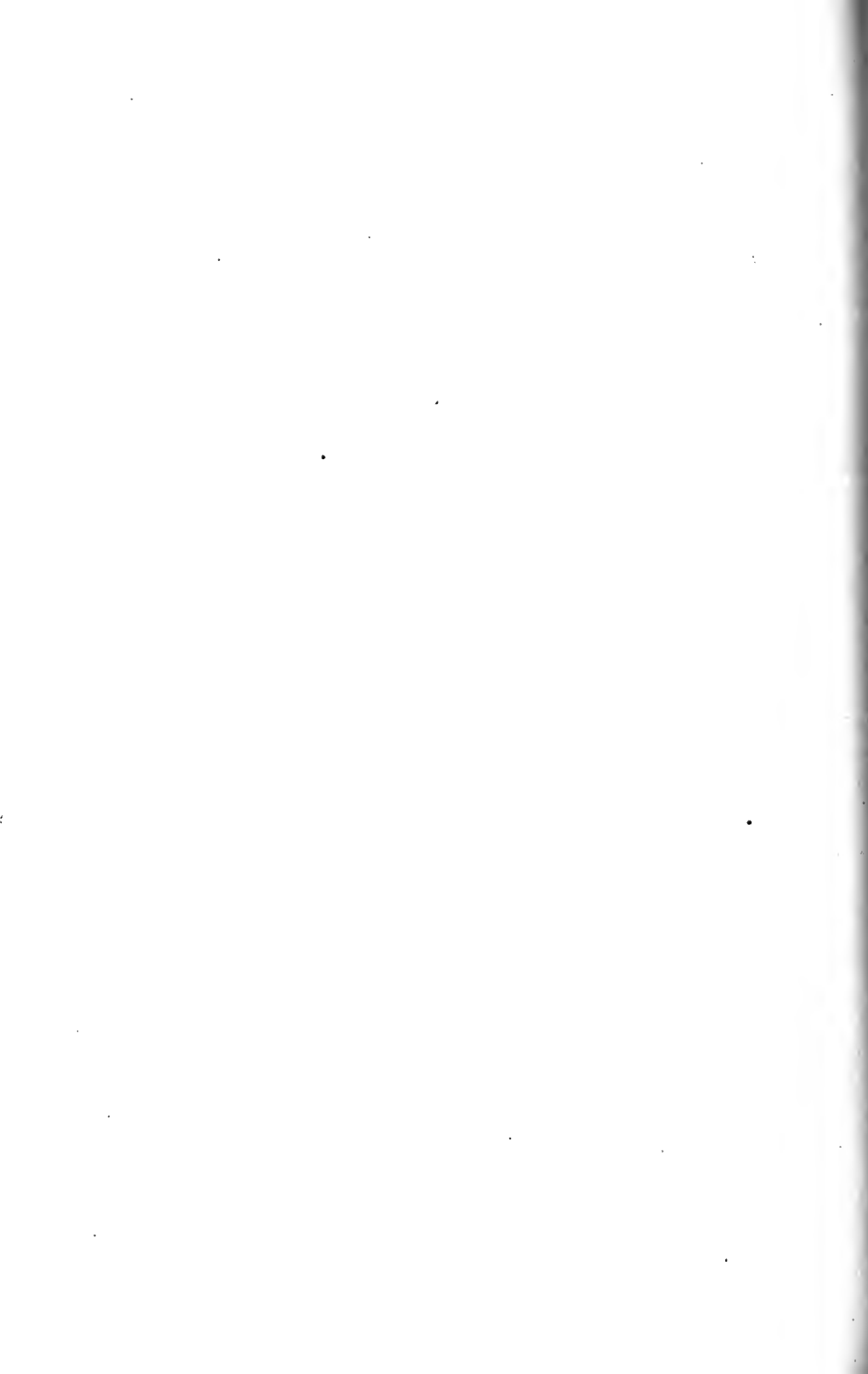
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